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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, December 10, 2007, at 3 p.m.

Senate

FRIDAY, DECEMBER 7, 2007

The Senate met at 9 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our help in ages past, 66 years ago, more than 2,300 Americans died on a day that will live in infamy. But You, O God, transformed this tragedy into triumph and enabled enemies to become friends. As we again feel the winds of war, bring to us peace on Earth and good will toward humanity. Teach us from our history the importance of making peace a top priority.

Lord, today give to the Members of this body a special measure of wisdom and strength for their challenging tasks. Help them to see what a practical resource they have in You and empower them to complete their business with civility, cooperation, and competence. Bless the Senate leadership, the leaders of the majority, and the Republicans, their assistants and aides. Bless those who chair committees and subcommittees, those who manage bills and their support people. Fill this Senate with the unmistakable sense of Your presence as You enable our lawmakers to do what without You would be impossible.

We pray this in the Name of He whose entry into history we celebrate. Amen.

NOTICE

If the 110th Congress, 1st Session, adjourns sine die on or before December 21, 2007, a final issue of the *Congressional Record* for the 110th Congress, 1st Session, will be published on Friday, December 28, 2007, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 27. The final issue will be dated Friday, December 28, 2007, and will be delivered on Wednesday, January 2, 2008.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be formatted according to the instructions at http://webster/secretary/cong__record.pdf, and submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

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

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent the time for debate this morning be extended by 15 minutes; that time will be equally divided, with the final 20 minutes reserved for the two leaders, with the majority leader controlling the final 10 minutes.

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

SCHEDULE

Mr. REID. Mr. President, this morning there will be, as we have indicated, a limited period of debate prior to a cloture vote on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

RESERVATION OF LEADER TIME

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

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. REID. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the message from the House of Representatives on H.R. 6.

The Acting President pro tempore laid before the Senate the amendments of the House of Representatives to the bill (H.R. 6) entitled ''An Act to reduce our nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes,'' with amendments.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTION

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

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

The 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, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Max Baucus, Blanche L. Lincoln, Charles E. Schumer, Jon Tester, Robert Menendez, Jack Reed, Tom Harkin, Mark Pryor, Patty Murray, Ron Wyden, Dick Durbin, Maria Cantwell, Byron L. Dorgan, Robert P. Casey, Jr., Kent Conrad, Bill Nelson.

Mr. REID. Mr. President, I ask the mandatory quorum be waived.

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

Who yields time?

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I might say, first, to my side of the aisle, and any of those who are on our side, if you want to speak, just let me know. I have no reason to need all the time. If any of you would like to speak, I will be glad to yield.

With that out of the way, let me say it wasn't many months ago when this Senator believed, as a bill passed the U.S. Senate and went its way to the House, that because of some very courageous Senators we had finally reached a point where we could tame that voracious lion that was eating up all the oil that we could import in transportation, in automobiles, trucks, diesel trucks, and the like. We know that was the biggest guzzler of imported fuel oil that America had.

A committee on which I did not serve—nor did my chairman, Senator BINGAMAN serve on, although we were putting a bill together—the Committee on Commerce, headed by Senator INOUYE and the ranking member, Senator STEVENS, with Senators such as TRENT LOTT on it—they had a lot of courage. They decided to put on our bill as part of an energy bill the first major change in the fleet automobile standards for the United States. What courage that took and how happy many of us were that committee had finally done that.

Couple that with what had been done in the other committees in the Senate, including that which was done by the Energy Committee itself, and we put together a very exciting bill. It went to the U.S. House of Representatives as a bill that contained the provision I just spoke of. It contained a very large provision, a major provision—what I would call the ethanol 2 provision to save ethanol for the future, so it would not continue to have trouble, and then build on the next 15 years a major gigantic bill for further ethanol to be produced from other than corn. That bill was a giant bill, and it went to the House with some other small pieces. But no taxes were in that bill, and the proposal that we would mandate all of the States to have 15 percent of their electricity produced from alternative fuels was not in the bill.

It went to the House and there it sat. Senator BINGAMAN and I thought we were negotiating with the House over the months under a proposal that said the two of us represent the Senate, and we will sit down with the House Members and see, since we cannot have a conference—there was no way to get a conference on our bills because of objection in the Senate—we would sit down together and produce a bill based upon the bill that had left the Senate and clearly some of the things that had been done in the House. It was pretty clear we could get a great bill out of that and would have the same basic format that I just described.

After talking it through and getting to the point where we were ready to go, the House decided to go its own way and leave us standing. Then they used our bill which we had sent them, that was built around an Inouye bill—they used that to put together a bill that came through the House yesterday and is before us today.

The first thing that went awry is a Senator like myself, 35 years in the Senate—I had never been dealt with this way ever before in my time in the Senate, where I was asked to do something by a committee, we were in the process of doing it, and then a committee backs out and uses the work that was done by the working group, including this Senator, to produce a new bill.

That new bill is before us today, and it contains taxes which the President says he will veto—and he sent us the message. The message is here: If those taxes are on this bill when it arrives at his desk, all our work will have been for naught. If the provision for mandatory electric alternatives, the 15 percent mandated across the land, or 15 minus 4, as it sometimes is used—the President said if that is in there he will veto the bill. So we could waste our time or we could do something meaningful. Today we are starting down a

path, trying to do something meaningful.

We worked very hard to see if we can't gather up more than 40 Senators who will vote with us so we will not impose cloture on this message. I say to my fellow Senators, please understand, there is no bill before us. It is a message, and there is a very big difference between a bill and a message. I had almost forgotten about it because I don't think I managed a message very many times in 35 years. But a message has a lot of nuances to it that are different: the number of amendments, the frequency that you can have amendments, and a whole lot of things.

Senators will wake up next week and find that many amendments they would try to offer are shut out because of the number of amendments you can offer because of the rules that apply to messages. I want them all to understand I am not promising anybody they can get amendments in if they win this vote today on my side. We will have to follow the rules and see what we can do. But we stand this close to getting the most important Energy bill, from the standpoint of conservation of crude oil products—gasoline, for instance, and diesel fuel—we stand just the distance between Senator BINGAMAN and me away from getting that kind of bill.

What we must do is not fly in the face of reality. Reality says you cannot put taxes on this bill. The Senate already defeated the taxes that were on this bill. We all remember that day. We voted and took the taxes out of the Energy bill that Senator BINGAMAN and I were operating under. The taxes went.

In addition, we did not put on that bill what is now being called the alternative energy tax or some such thing. What it means is the electric utilities across the land out in the future are going to have to use 15 percent alternative fuel to coal. That is tough. That is a tough one to do. If that is on the bill, because it is harmful to the economy, a one-shoe-fits-all philosophy should not work, will not work. The President of the United States, through his operatives, has told us he will veto the bill.

Senators, I hope you vote with us and do not impose cloture. Then I hope the majority leader and the minority leader and Senator BINGAMAN and Senator INOUYE, Senator STEVENS and myself, and whoever otherwise properly fits, will sit down together and work this out as to how we modify this bill that is before us—which is not a good bill now, but it can be turned into a great bill with some work—could be sent back to the House, and in no time we could tell the American people we have finally done something extraordinary for them.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 17½ minutes of which 10 is reserved for the leader.

Mr. BINGAMAN. Mr. President, let me speak first in support of this bill and going forward with cloture. I acknowledge the procedure we have gone through to get to this point has not been ideal. Clearly, when we were unable to get agreement to appoint a conference in the Senate, it became clear we were going to have to use a very awkward procedure. That is what has happened. But the substance of what is before us contains a substantial amount of very good public policy. These are policies we have tried very hard to enact for a very long time. On the whole, I believe this bill represents significant forward progress.

Let me mention a few of the things the bill does that I think are very worthwhile. First, the legislation brings about major improvements in vehicle fuel efficiency. My colleague, Senator DOMENICI, referred to that and clearly that is a centerpiece of this legislation, the improvements of corporate average fuel economy standards.

In addition to this hard-won compromise on CAFE, the bill will increase the production and use of biofuels with a particular emphasis on biofuels from cellulosic feedstock. That also is something the President spoke to us about in the State of the Union speech that many of us support, and it is a strong part of this legislation.

So I think the combination of improvements in CAFE standards and increases in production and use of biofuels are efforts we have had underway for a long time, and I believe it is important for us to continue with those efforts.

The bill also, beyond those two items, will boost energy efficiency on an economywide basis. It has numerous provisions improving efficiency standards for household appliances. It has provisions to establish efficiency standards for lightbulbs, for lighting fixtures, efficiency provisions related to building construction, which is very important throughout the country, requirements for greater efficiency savings from the Federal Government across the board. All of that is positive.

The legislation also makes significant contributions in the area of renewable energy technologies. It would increase our commitment to research and development of these renewable energy sources. It would help to demonstrate and commercialize the carbon capture and storage technologies.

It helps us by putting in place extensions of important tax incentives to increase both energy efficiency and more production of energy from renewable sources. And it will, as my colleagues pointed out, require electric utilities to produce 11 percent of their energy from renewable sources by 2020.

I know that is a controversial provision in this bill. I know there is a great concern on the part of some Members here. Frankly, I do not share most of that concern. The Senate has passed a renewable electricity standard three different times. In the last three Congresses, we have passed such a provision with strong majorities in each case.

It has now passed the House of Representatives two times. It seems strange to me to say that this should be a showstopper; this should be something we need to suggest a possible veto about.

I could go through the arguments at great length, but let me just point out this is not a 15-percent requirement as it has been advertised and described by many; it is an 11-percent requirement, and the additional 4 percent that makes up the 15 percent can be achieved through energy savings, efficiency savings. Clearly, that is preferable. It also is substantially less ambitious in the first few years than what we were considering in the Senate before and, in fact, what we have passed through the Senate before.

So this is a provision I think Members can support. It is one that can give us lower greenhouse gas emissions, thousands of new jobs, cleaner air, and greater energy efficiency. It can do all of that at a low cost and perhaps even a savings to consumers because many studies have shown that the adoption of an electricity standard such as this, a renewable electricity standard, will have the effect of reducing the price of natural gas. It will take pressure off the price of natural gas and thereby reduce the price of natural gas. So we should pass that provision as part of this legislation.

The American Council for an Energy Efficient Economy has estimated that when you total up all of those provisions I have elaborated here, the legislation before us would reduce U.S. energy use by almost 8 percent in 2030 compared to current Department of Energy forecasts. In doing so, these added efficiencies would reduce projected carbon dioxide emissions by 10 percent and save consumers more than $450 billion by 2030.

On balance, I believe the energy legislation we have before us deserves the support of my colleagues. It is not perfect in every respect. Legislation of this size and complexity obviously cannot be. However, it represents an opportunity to make significant steps forward in a number of key areas of energy policy. With the passage of this legislation, we can reduce our dependance on oil, we can increase our consumption of homegrown fuels, we can provide substantial savings to consumers, and we can create many new jobs. I think it is a real step forward, also, in curbing greenhouse gas emissions.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 40 seconds remaining.

LOAN PROGRAM FOR ADVANCED VEHICLE TECHNOLOGY VEHICLES

Ms. STABENOW. Mr. President, I rise to engage in a colloquy with the Majority leader, Senator REID. I do so

to discuss a critical measure that will help keep jobs in the United States and give a major boost to the domestic production of energy-efficient vehicles.

As my colleagues know, the pending energy bill has a 40-percent increase in CAFE standards for vehicles sold in the U.S. This is by far the largest mandate on any industry in this bill.

In addition to this mandate, I am pleased to have led the effort working with Congressman DINGELL, Senator BINGAMAN, and others, to include a new program in the bill that would provide $25 billion in low-interest direct loans to the auto industry to help them retool facilities to produce energy-efficient vehicles to comply with the very challenging CAFE standards in the bill.

I believe that this loan program is only fair since we are asking the auto industry to spend approximately $80 billion in new capital investment to comply with the new CAFE title.

As many of my colleagues know, establishing a loan program of this type is a two-step process. The first part, setting up the program, has been accomplished. The second part, however, providing the resources to back the loans, has not yet been done.

So I rise to ask Senator REID, as you complete negotiations on a final energy bill, will you give me your assurance that you will provide the resources necessary to fund the loan program that is authorized in the current energy bill?

Mr. REID. Mr. President, no one works harder on behalf of her constituents than Senator STABENOW. She is a real leader in keeping manufacturing jobs in the United States.

Mr. President, I give the Senator from Michigan my word that I will work with her and the Appropriations and Finance Committees to find and provide the resources that would fully implement this loan program.

Ms. STABENOW. I thank Senator REID for his assurances and all of his leadership on the energy bill.

Mr. LEVIN. Mr. President, I will vote to invoke cloture on the motion to concur in the House amendment to H.R. 6, the Energy Independence and Security Act, because I believe we need to move forward to address our Nation's continued dependence on imported oil, increase our energy independence, and reduce greenhouse gas emissions.

The House amendment to H.R. 6 is a significant improvement over the bill the Senate passed in June. H.R. 6 will require new vehicle fuel economy standards that will be challenging for auto manufacturers. Reaching a fuel economy level of 35 miles per gallon by 2020 is ambitious, but unlike the Senate passed bill, the provisions of this amendment provide greater flexibility and predictability for auto manufacturers in meeting those standards. The CAFE provisions of this amendment are not perfect, and I believe that additional improvements could be made. But this amendment includes positive language on some important issues to the auto manufacturers and their workers by requiring separate car and truck standards, preserving domestic jobs with an antibacksliding provision, and extending flexible fuel credits until 2014. Significantly, this amendment also maintains a key reform obtained during Senate consideration of the bill. By setting standards based on vehicle size rather than having a fleetwide average for each company, we will end the many years of discriminatory impacts on domestic manufacturers imposed by the existing CAFE system.

Mr. INOUYE. Mr. President, I rise today in support of the Energy Independence and Security Act. In particular, title I, otherwise known as the Ten-in-Ten Fuel Economy Act, would mandate an increase in automobile fuel economy to a nationwide fleet average of 35 miles per gallon by 2020. This is the first statutory increase in fuel economy standards for cars since 1975. In addition, the Department of Transportation would adopt fuel economy standards for medium and heavy duty commercial vehicles for the first time.

With the cost of oil at approximately $90 per barrel, reducing our dependence on oil is of vital importance to our national security, economic stability, and consumer welfare. The Ten-in-Ten Fuel Economy Act is a major step forward toward achieving these goals. In addition, the act would dramatically reduce greenhouse gas emissions by 2020 and demonstrate to the world that America is a leader in fighting global warming.

Legislation of this magnitude could have only been achieved through the hard work of a coalition of Members. In this case, without Senators FEINSTEIN, STEVENS, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL, the agreement would not have been reached.

In particular, I wish to congratulate Senator FEINSTEIN on her efforts in developing this bill. Her dedication over the years has led us to an agreement that very few thought possible. I would also like to praise the efforts of my good friend Senator STEVENS, who was instrumental in forging the compromise before us. His work in the Commerce Committee, on the Senate floor, and in negotiations with the House reflects his commitment to working in a bipartisan fashion.

Speaker PELOSI and Majority Leader REID recognized the importance of the issue and have made fuel economy a major focus of the Energy bill. I thank them for their support and dedication.

I would also like to thank Chairman DINGELL and Senators LEVIN and STABENOW for their hard work and willingness to achieve an agreement that aggressively improves fuel economy while protecting the domestic automobile manufacturing base and U.S. workers. Their leadership, honesty, and technical expertise have been invaluable. The American automaker and autoworker have no better advocates.

Finally, I would like to express my appreciation to all the hard-working members of the staff who worked to make this historical legislation a reality. In particular, I would like to commend David Strickland, Alex Hoehn-Saric, Mia Petrini, and Jared Bomberg of my Commerce Committee staff for a job well done.

The importance of this legislation cannot be underestimated.

During the Arab oil embargo in 1973, Americans suffered the first devastating effects of our addiction to oil. Our vulnerability to curtailments in supply became apparent. While waiting in long lines at gas stations, we felt the immediate need for conservation, alternative energy sources, and more efficient use of energy, especially in the transportation sector. Born out of this embargo, Congress put in place a fuel economy program that nearly doubled the gas mileage of cars from 1975 to 1985.

Today's agreement marks historic progress. It is the first of its kind since 1975 and is a major step toward addressing our Nation's energy needs. Title I of the bill will save approximately 1.1 million barrels of oil per day in 2020—equal to one-half of what we currently import daily from the Persian Gulf. By the year 2020, the legislation will save consumers approximately $22 billion at the pump and prevent approximately 200 million metric tons of greenhouse gases from polluting our environment each year.

A diverse group of constituencies support the Ten-in-Ten Fuel Economy Act, from environmentalists to automotive workers and automakers. While it sets forth aggressive standards, the act also recognizes the challenges faced by the auto industry and ensures that those concerns will be addressed. For one, it provides flexibility to the automotive industry. The sponsors of these fuel economy provisions have worked together in a bipartisan manner to ensure that automakers have the tools they need to meet the requirements enumerated in the act.

The Ten-in-Ten Fuel Economy Act directs the Secretary of Transportation to create two fuel economy curves, one for passenger cars and one for light trucks. This change from the Senate—passed bill provides the certainty that American automakers, auto workers, and car dealers requested, but the act still requires that the combined car and light truck fleet meet a fuel economy standard of at least 35 miles per gallon by 2020.

The act also provides automakers with the option of earning flexible fuel credits at a tapering rate set to expire in 2019. These credits will incentivize the production of millions of flexible fuel capable vehicles while assisting automakers in achieving the target of 35 miles per gallon by 2020.

Passage of this bill will ensure that our Nation's energy priorities start moving in the right direction. Higher fuel economy standards will wean the

country of its oil addiction, put billions of dollars of savings back into our domestic economy and significantly reduce greenhouse gas emissions.

Our actions today will improve national security, create jobs, help consumers, and protect the environment. At times, it is the Government's responsibility to balance conflicting interests. Today, I believe we found that balance.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that I be able to speak on the leader time for up to 3 minutes. That would come off Senator REID's time. When Senator MCCONNELL comes, I will yield to him at that time.

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

Mrs. BOXER. Mr. President, I think this is a great moment for the Senate. I was hoping that we could, in fact, get 60 votes for this particular version of the Energy bill. It does not appear likely that will happen for reasons I am sure Senator DOMENICI has stated.

I think the bill, as it is before us, deserves to get 60 votes, deserves to get 80 votes, deserves to get 100 votes, because at a time of very high prices of oil, gas at the pump going toward $4 in my State, heating oil going up at a rapid rate, affecting people mostly in the Northeast and other areas, we should take bold action.

I wish to say to Senator BINGAMAN in particular how grateful I am for the work he has put into this measure. I am sure Senator DOMENICI did as well, but I had to work very closely with Senator BINGAMAN and his staff and my staff. This has been very difficult. I also wish to say that Speaker PELOSI showed her amazing skill working with JOHN DINGELL and others over in the House to get this bill to where it is today. The American people are very clear with us: They want action on the issues that impact them every single day. And this is one.

I want to say that the other day—and you know this well, Mr. President, because you are on the Environment and Public Works Committee—we voted out a very strong bill, a very strong bill to deal with the problem of global warming. One of the great things about dealing with global warming is that the cure for global warming is going to mean less reliance on foreign oil, alternative fuels, and the rest. We are clearly taking action in this Senate to move to solve the problems that face us.

I see Senator MCCONNELL is here, and I will conclude in 30 seconds.

I hope we will have strong support for this bill. We have many provisions in here that were voted unanimously out of the Environment Committee, including green buildings and DOE solar wall and many other energy efficiencies in our Government buildings that I think are going to work well for the taxpayers, and finally doing something about CAFE standards—very important. So congratulations to everyone who worked so hard getting to this point. I hope we can get 60 votes. If we don't, I hope we can certainly get 60 votes for the next try.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, there is a difference between passing a bill and actually making laws. The bill before us is a prime example. The majority started with a bipartisan agreement that can be passed in both Houses and signed by the President; in other words, it could actually become law. It chose, instead, to add the twin milestones of utility rate hikes and massive tax increases. The end result is that the House passed a bill, but it will not become law. So there is a clear difference between making a partisan point and having an accomplishment. I hope at the end of this process, as it unfolds here before Christmas, we will actually make law.

Again, we can look at the current bill as an example. Rather than take the elements of the bill that had near universal support and have an accomplishment on behalf of their constituents, the majority chose instead to make a partisan point.

Now, I understand that the House is a different place, that the Speaker rules, as the Senate majority leader put it Wednesday, ''with an iron fist.'' While she can muscle bills through the House on a party-line vote, it does not work that way over here. We have shown that all year on numerous political votes the majority has put on the floor. We have shown that already this week on the AMT. When the majority tried the ''my way or the highway'' approach, the bill failed. When they worked with us on a bill that could pass, we succeeded by a vote of 88 to 5. That I would call success. The same is true of the farm bill. When the leadership of the majority tried to dictate to the minority what amendments we could offer, the Senate spun its wheels and got nowhere. But when the majority worked with us, the result was a mutually beneficial agreement that will soon lead to an accomplishment that both sides can be proud of.

But the bill we are voting on today is a massive tax hike and a utility rate increase for consumers across the Southeast. It is not a serious attempt to make law, and it is not a serious attempt at an accomplishment. It is a partisan bill that must be improved or set aside.

So let's not waste even more time rehashing the lessons of the past 11 months. If you are serious about an accomplishment, let's fix this bill. Walking away from a bipartisan deal in favor of raising taxes and raising utility rates, as the House majority has done, will not make a law. But working with us to find common ground to increase the use of renewable fuels and raise fuel economy standards to historic levels without costing American jobs is something that would enjoy widespread support. I stand ready to work with all our colleagues on a realistic bipartisan bill, but I will vote no on this partisan tax increase and this rate increase for consumers and urge our colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I move to concur with the House on the message they have sent us.

The ACTING PRESIDENT pro tempore. The motion is now pending.

Mr. REID. Mr. President, we have worked very hard this year to accomplish goals. But it takes a lot of work because everything we have done has been after having filed cloture on sometimes multiple occasions, trying to terminate debate on the other side. My friend, the distinguished Republican leader, said, finally, we did the right thing on the farm bill. The only reason we were able to get agreement on the farm bill is because cloture likely would have been invoked this morning. The farm and ranching communities in America are up in arms that the Republicans have stalled the farm bill for months. I am satisfied where we are. It has been difficult to get where we are. We will work through the farm bill and finish it. But for people to indicate it was the result of how we handled the legislation that has taken so long to get there is without foundation.

This bill, the Energy bill, the vote we are going to take in a few minutes is a historic vote. We hear words all the time in the Senate about ''landmark'' and ''historic.'' These words are often used but occasionally appropriately. Now is the time to talk about historic. This is a historic vote. This Energy and Security Act will finally put America on the right track to solve our grave and growing energy crisis. No superlative is too strong to express how important this is to our country's future and, to a certain extent, the world's future, because we are the ones polluting the air more than any other nation in the world, by far. Today, America consumes 21 million barrels of oil; tomorrow, 21 million barrels plus a few more. It is not going down; it is going up. Most of this oil comes from very unstable regions of the world.

What did President Chavez say from Venezuela during the height of his recent constitutional crisis? He said: We will cut off oil supply to the United States.

Think about that. We are dependent on this tyrant for our oil. But he is not

the only tyrant we are depending on for oil. The most tyrannical governments in the world today exist in the Middle East, countries we ask for oil. Some say the war in the Middle East that is going on now is based on oil. I don't necessarily believe that, but people who do are not in any way without foundation and reason.

With the 21 million barrels of oil a day going to these nations that have these despotic governments, we send as a nation at least a billion dollars every day overseas to pay for our oil addiction. Those 21 million barrels we will use today and those we will use tomorrow have created a three-pronged crisis that threatens our economy. On my last trip to California, I saw prices on the pumps of more than $4 for a gallon of gasoline. Our national security, the example I gave for the dictator of Venezuela, is that affecting our security? Of course, it does. That is only one example. Our environment, does it affect our environment using 21 million barrels of oil a day, 65 percent of which is imported from these individuals and governments I talked about? What does this do to our environment? It pollutes it.

The cost of the pollution in our environment is affecting us from a health perspective. In June, the Senate took action to begin reversing these threats. We passed the Energy bill with a bipartisan vote of 65. It was a good vote. But the House has done even better than we did. They have sent their version to us with a strong majority. I urge all my colleagues to concur with the House bill and send this critical legislation to President Bush. As I have indicated, with gas prices all over the country, with a gallon of gasoline being more than $3 and working Americans spending more than ever to make their commute to work, the time to act is not tomorrow. It is now. With home heating prices at record highs and the cold winter months now upon us, the time to act is now. With the threat of global warming growing by the day—and that is why there are more than 10,000 people assembled in Bali as we speak to talk about the global warming that is taking place—the time to act is now.

I so appreciate the chairman of the Environment and Public Works Committee and the work they are doing in that committee on the bipartisan measure reported out of that committee this week, Lieberman-Warner, led by the committee chair, Senator BOXER, to report out a global warming bill. The first global warming bill that meets the needs of our world was reported out of that committee this week. Now this bill adds to that. I appreciate very much the work of the chairmen who worked to get the bill out of the Senate and who worked to get the measure from the House to us: Senator BINGAMAN, Energy and Natural Resources; Senator INOUYE, Commerce; Senator BOXER, Environment and Public Works. That is the bill we have before us.

The bill tackles each of the supply challenges by addressing both sides of the crisis—consumption and supply. On the consumption side, it increases fuel efficiency of cars and trucks for the first time in 30 years to 35 miles per gallon. That is significant. Think about it. What was America like with its automobiles 30 years ago? Think back to 1976. Cars didn't come with airbags. They were just getting cassette players. We had advanced past the invention of the eight-track stereo. We now have cassette players. The closest thing you could buy to the Global Positioning System we now have on a lot of vehicles was a map. You went to a service station and most of the time they gave you that map. You would look at the map. My wife, we used to joke, she was the navigator as we proceeded with the kids in the backseat yelling and screaming. That is how we found our way. The navigator was my wife. That is not the way it is now.

Things have changed in those 30 years. Today we have cars that were, in the past, science fiction, a hybrid electric car. My wife has one. It runs on a big battery and it runs on gasoline. She loves her car, but it is new. She bought it a few months ago. Ethanol cars, cars burning fuel produced from corn and other products, and electric cars, total electric cars—these things will add to the ability of Americans to lessen our dependence on foreign oil.

But this bill we have now, with increasing the CAFE standards, will save American families at least $1,000 a year at the gas pump. For our country, it will save a total of $22 billion by 2020, $22 billion a year. It will also reduce greenhouse gases by the equivalent—listen to this—of taking 28 million cars and trucks off the road. We take 28 million cars and trucks off the road by passing this legislation. That is pretty good. It will also reduce greenhouse gases in other ways. This increase to 35 miles per gallon is supported by the environmental community. Of course, it is.

If my time has expired, I will use leader time now.

The increase to 35 miles per gallon is supported by the environmental community. Of course, it is. But it is now supported by the automobile industry. As a result of that, the vote time will be extended, Mr. President. I ask unanimous consent that be the case.

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

Mr. REID. Mr. President, I got a letter in my office this week from Ron Gettekfubger, president of the United Auto Workers Association, saying: Thanks for your work on the Energy bill. The automobile workers, Detroit favors this legislation. The environmental community, the unions, and the automobile industry, a pretty good deal. That wasn't the way it was a short time ago. That is the way it is now. The environmentalists support it because it will make our air cleaner and take one step on the long road to stem the tide of global warming. The automobile industry supports it because they know they can do it, and they know it will make them more competitive. It will make the American automobile industry more competitive.

It also saves Americans hundreds of billions of dollars through other things, new energy efficiency standards for appliances, lighting, and buildings. If you have a washing machine that consumes 40 gallons of water and another that does a good job with 10, we should save those 30 gallons. That is the principle we are working on. If one light bulb lasts as long as three light bulbs, we ought to save that electricity. It is common sense, and that is what this legislation does. But consumption is half the battle.

On the supply side, this Energy bill requires, for the first time, that 15 percent of our electricity comes from renewable sources. That doesn't sound like anything that is too big of a hill to climb. What is more, this renewable energy portfolio rewards innovation by allowing States—lots of States but, for example, Nevada—that have already taken the initiative and are national leaders on alternative energy to sell their excess product to other States. I have heard some complain: Nevada has more wind and more Sun and more geothermal than other States. The news last week was, we are now, off the coast of Florida, going to be producing electricity with the current, with waves. Nevada doesn't have any currents or waves. So it all balances out. That is what this is all about. It rewards innovation. That is what America has been about since we were founded. This legislation makes an unprecedented commitment to American-grown biofuels by increasing the renewable fuels standard to 36 billion gallons by the year 2022, which will not just reduce our addiction to oil but create American jobs as well. It repeals billions and billions of dollars in tax giveaways to big oil that exports product from overseas and invests it instead in tax incentives to produce clean, renewable energy right here at home.

All across America, businesses, entrepreneurs, and local governments are taking the lead to solve this energy crisis. On my last trip to Silicon Valley, the discussion with these geniuses was on two topics: health care and energy. The great minds of America are focusing on this. They need some incentives. You can't invest unless there are some incentives in this new field. All they want is a tax credit here, a tax credit there. They deserve that. With these great minds, they will take us much further than we can imagine.

In California, for example, a professor is working on a new technology that can manufacture fuel out of simple plant material in any industrial park in America. In Pennsylvania, Amish farmers are charging their

buggy batteries with solar power. In Nevada, local governments are using solar energy at water pumping stations to move water uphill, something that in the past would have required tremendous nonrenewable power. That kind of innovation is exactly what America does best. But as of right now, the Federal Government is lagging, not leading. This must change, and today it can.

Our energy crisis will not be solved overnight, but this bill that is now before us is a crucial big, big first step. So let's take that step together. To do so, we cannot let procedural disputes get in the way of this much needed bill.

My Republican colleagues objected to this bill before going to conference. I wish we could have gone to conference. But that is their right. Even without a conference, we worked with Republicans, consulting on and sharing proposed language. And that is an understatement. Many provisions were removed and modified at the request of Republican Senate and House Members.

We have acted on this bill in good faith. Now it is time for Republicans and Democrats to put politics aside and unite behind a bill that will deliver a cleaner, safer energy future for all of America.

Mr. President, after this vote, there will be no more votes today. The next vote will be Tuesday morning. I have spoken to Senators HARKIN and CHAMBLISS. They are going to work on the farm bill this afternoon to try to have some amendments offered. I would hope those people who want to have 1 of the 20 amendments on each side will start offering these amendments. We are going to move through and finish the farm bill before we leave here, and we can complete some of that work today, and also Monday afternoon.

On Monday, as I have just indicated, there will be no votes, but we are going to come in Monday afternoon and work on the farm bill. We will get back to this bill on Tuesday. I will be conferring with the distinguished Republican leader and other Republicans to decide how we are going to proceed. I have an idea, but I want to make sure they are in tune with what we are doing.

I appreciate everyone's cooperation yesterday, and I hope we have a productive day today.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Max Baucus, Blanche L. Lincoln, Charles E. Schumer, Jon Tester, Robert Menendez, Jack Reed, Tom Harkin, Mark Pryor, Patty Murray, Ron Wyden, Dick Durbin, Maria Cantwell, Byron L. Dorgan, Robert P. Casey, Jr., Kent Conrad, Bill Nelson.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, the Energy Independence and Security Act of 2007, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 42, as follows:

[Rollcall Vote No. 416 Leg.]

YEAS—53

Akaka	Feinstein	Nelson (NE)
Baucus	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	McCaskill	Thune
Dodd	Menendez	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murray	Wyden
Feingold	Nelson (FL)	

NAYS—42

Alexander	Cornyn	Landrieu
Allard	Craig	Lott
Barrasso	Crapo	Lugar
Bayh	DeMint	McConnell
Bennett	Dole	Murkowski
Bond	Domenici	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Specter
Byrd	Gregg	Stevens
Chambliss	Hagel	Sununu
Coburn	Hatch	Vitter
Cochran	Inhofe	Voinovich
Corker	Isakson	Warner

NOT VOTING—5

Ensign	Kyl	McCain
Hutchison	Martinez	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 53, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from New Mexico is recognized.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, this doesn't mark the end of this bill. This marks the beginning of completing a process in the Senate so we will have a bill that can be signed and that will be an excellent bill for the American people. That means we have to go to work in trying to fix some of the problems the House bill has generated for us.

First of all, we are talking about ethanol II, the successor to the ethanol bill we passed, which includes a very hopeful future for wheat and the kinds of things that are going to go into the thing that follows ethanol. We cannot accomplish them, it seems to us, with what they have in this bill. We have to look at that and see what we can do to fix it. In addition, we have to do something about both taxes and the mandatory 15 percent that is required for electric generation in this bill. We have to look at that and others.

I hope this sends a signal so Senator BINGAMAN and I—he as chairman and I as ranking member—can work with everybody who has concerns and put together an amendment we can offer that sends this bill back to the House, corrected and fixed, where it can become law and where it is more to the accomplishment of what we expected when we passed the bill in the Senate.

I note the presence of Senator BINGAMAN. I hope he concurs. Our staffs ought to go to work and have something by Monday, I hope.

I yield the floor.

Mr. BINGAMAN. Mr. President, I do think we can make some changes that would make this bill acceptable to a vast majority of Senators. I look forward to working on that along with my colleague. I know the majority leader intends to revisit this issue as soon as this next week, perhaps.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. If I may, I will add a comment to what the chairman said. I voted against cloture this morning, but I am most certainly willing to come to a compromise on some of the issues and get an agreement between the two sides, and I look forward to working over the weekend to that end.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I add that I appreciate Senator BINGAMAN for his fair and good leadership. Particularly, I thank Senator DOMENICI, who understood the problems some of us have had in our region with the high cost of electricity that would occur if this bill were to pass as it came back from the House.

I do think the legislation has a lot of good things in it. Hopefully, we can work forward in a way that we can pass it because we have a need to be more energy independent, and we need to create more energy in a cleaner way. I thank Senator BINGAMAN and Senator DOMENICI. I am optimistic we will reach that agreement.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. AKAKA. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 395, which was submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

A resolution (S. Res. 395) expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, en bloc; that any statements relating thereto be printed at the appropriate place in the RECORD as if read.

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

The resolution (S. Res. 395) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 395

Whereas on December 7, 1941, the Imperial Japanese Navy Air Force attacked the sovereign territory of the United States at Pearl Harbor, Hawaii;

Whereas more than 2,400 United States service members and civilians were killed in the attack on Pearl Harbor;

Whereas there are more than 4,900 members of the Pearl Harbor Survivors Association;

Whereas the 66th anniversary of the attack on Pearl Harbor will be December 7, 2007;

Whereas on August 23, 1994, Public Law 103–308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas section 129(b) of title 36, United States Code, requests that the President issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 66th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, pays tribute to—

(1) the United States service members and civilians who died in the attack; and

(2) the members of the Pearl Harbor Survivors Association.

Mr. AKAKA. Mr. President, I rise today in honor of National Pearl Harbor Remembrance day. Earlier today, my good friend and colleague Senator INHOFE and I introduced a Senate Resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance day and paying tribute to those servicemembers and civilians who died in the attack on Pearl Harbor on December 7, 1941, as well as the current members of the Pearl Harbor Survivor Association.

Today is the 66th anniversary of the attack on Pearl Harbor. Memorial ceremonies are taking place at the Naval Station Pearl Harbor to commemorate the 66th anniversary of the attack. Later, the dedication ceremony for the new USS Oklahoma Memorial will also take place on Ford Island at Pearl Harbor. The battleship *Oklahoma* was anchored along Ford Island on December 7, 1941, and suffered the second greatest loss of life during the attack after the USS *Arizona*. It is the last ship to have been destroyed that fateful day to get its own memorial. Clearly, this memorial is long overdue. Prayers, reflections, and tributes will be offered during each of these ceremonies to honor the service and sacrifice of the men and women who fought and died in the defense of our great country.

This 66th anniversary of the attack on Pearl Harbor also marks the beginning of a new commemoration for all of our Nation's fallen, called Old Glory's Journey of Remembrance. The journey begins today with Old Glory being flown over the USS Arizona Memorial. The flag will then be taken to, and flown over, 24 other military memorial sites around the country. The journey culminates in observance of the National Moment of Remembrance on Memorial Day at 3 p.m. local time with Old Glory being flown above the U.S. Capitol.

Mr. President, the resolution that I and Senator INHOFE introduced requests that all of my Senate colleagues join together with our fellow Americans in Hawaii and across the Nation to remember and honor the more than 2,400 courageous American sailors, soldiers, and marines who were killed in the raid on Pearl Harbor, as well as to honor those who survived the attack.

For those too young to remember 1941, the attack on Pearl Harbor is something learned in history books. But to those in Hawaii who, like myself, witnessed the attack, the events of December 7 are a painful, vivid memory, and a personal experience that can never be forgotten. While the Japanese surprise attack was a calamity that forever changed the course of history, our country fought back in the name of justice to preserve our Nation's sacred freedoms. I urge the citizens of this Nation to remember that it was the sacrifices made by ordinary men and women who rallied in defense of freedom, liberty, and the great promise of our democracy that preserved our Nation's freedom and liberty. Their sacrifices represent the greatest heroism and patriotism in the service of our country.

Mr. President, I hope that my Senate colleagues will join me today in prayer and remembrance for those courageous men and women who died in Pearl Harbor on that infamous day.

Mr. INHOFE. Mr. President, every American owes a debt of gratitude to the men and women who lost their lives during the attack on Pearl Harbor. They gave all they had in selfless service to the Nation. We recognize the contributions and sacrifice of the survivors of the attack who went on to secure our freedom and our cherished way of life. In the face of seemingly insurmountable challenges and countless unknowns, they never demanded praise, they never presumed eminence. They taught future generations the importance of recognizing and remaining vigilant against tyranny in all forms. We also remember the families of the fallen service members. They bore the greatest burden and bravely perpetuated the dignity and the memories of the heroes taken from us on that infamous day.

Mr. DOMENICI. Mr. President, I would like to speak for a moment in remembrance of the 66th anniversary of the attack on Pearl Harbor and pay tribute to all the Americans who lost their lives that day.

On December 7, 1941, our Nation was brutally attacked at Pearl Harbor, and over 2,400 Americans were killed. Though surprised and overwhelmed by wave after wave of Japanese planes, the members of our armed forces valiantly defended their ships, the naval base and the surrounding army air fields.

I believe Pearl Harbor will all always hold a prominent place in the history of the United States, not only for the destruction that day which triggered our entry into the Second World War, but as a shining example of American heroism and courage in the face of adversity. I know Americans will never forget the American servicemen and women who were at Pearl Harbor 66 years ago today.

One of those servicemen was John Anderson of Roswell, NM. John had only recently been assigned to the USS *Arizona* along with his twin brother Jake when the Japanese attacked on December 7. Though burned himself, John worked to rescue other survivors from the badly damaged and sinking *Arizona* until the small boat he and other servicemen were using to pull drowning men from the water of the harbor was also sunk. Terribly, 1,177 sailors from the *Arizona*, including John's brother Jake, did not survive.

John went on to serve 35 years in the Navy, marry his wife, Karolyn, have three sons and later become the long time weatherman for KBIM–TV in Roswell. I would like to thank John for his brave service and would like to personally honor all the New Mexicans like Jake Anderson who fought and lost their lives that day.

Pearl Harbor, of course, was just the beginning of several long years of war during which millions of Americans would answer the call of duty. I would like to take this opportunity to mention the service and sacrifice of two such groups of individuals.

One of these groups is the Navajo Code Talkers, many of whom were from my home State. The Code Talkers were marines who used their native language to quickly transmit messages

across the battlefields of the Pacific Theater and served in every Marine division from 1942 to the end of the war. Though the Japanese were able to break many American codes during the war, they were never able to decipher the system used by the Code Talkers. Their contribution to victory cannot be underestimated. There is no doubt that their efforts saved countless American lives, and it has even been said that without the Code Talkers the battle of Iwo Jima could not have been won.

I would also like to talk about the soldiers of the 200th and 515th Coastal Artillery units of the New Mexico National Guard, also known as the New Mexico Brigade, who soon after the attack on Pearl Harbor played a prominent and heroic role in the fierce fighting in the Philippines. For 4 months the men of the New Mexico Brigade helped hold off the Japanese only to be defeated by disease, starvation and a lack of ammunition. Sadly, the survivors of the Battle of Bataan from the New Mexico Brigade were subjected to the horrors and atrocities of the 65 mile ''Death March,'' as well as years of hardship and forced labor in Japanese prisoner of war camps. Tragically, of the 1,800 men of the New Mexico Brigade more than 900 never returned home.

In closing, I hope New Mexicans will take a moment to honor the individuals who fought so gallantly 66 years ago today as well as all those who served throughout the Second World War, and remember those who paid the ultimate price for our Nation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, and that I recognized for 15 minutes.

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

The Senator is recognized for 15 minutes.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. WHITEHOUSE. Mr. President, let me first say how moved I am to be on the Senate floor after the remarks of the very distinguished Senator from Hawaii commemorating this day. But I rise to discuss a different question, a question that involves the Foreign Intelligence Surveillance Act.

We will shortly consider making right the things that are wrong with the so-called Protect America Act, a second-rate piece of legislation passed in a stampede in August at the behest of the Bush administration. It is worth for a moment considering why making this right is so important.

President Bush pressed this legislation not only to establish how our Government can spy on foreign agents but how his administration can spy on Americans. Make no mistake, the legislation we passed in August is significantly about spying on Americans—a business this administration should not be allowed to get into except under the closest supervision.

We have a plain and tested device for keeping tabs on Americans. It is our Constitution. Our Constitution has as its most elemental provision the separation of governmental powers into three separate branches. When the Government feels it is necessary to spy on its own citizens, each branch has a role. The executive branch executes the laws and conducts surveillance. The legislative branch sets the boundaries that protect Americans from improper Government surveillance. The judicial branch oversees whether the Government has followed the Constitution and the laws that protect U.S. citizens from violations of their privacy and their civil rights.

It sounds basic, but even an elementary understanding of this balance of powers eludes the Bush administration. So now we have to repair this flawed and shoddy Protect America Act.

Why are we in Congress so concerned about this legislation? Why is it so vital that we energetically insert the role of Congress and the courts when the Bush administration seeks to determine the rules under which it will spy on Americans? Because look what the Bush administration does behind our backs when they think no one is looking.

For years, under the Bush administration, the Office of Legal Counsel within the Department of Justice has issued highly classified, secret legal opinions related to surveillance. This is an administration that hates answering to an American court, that wants to grade its own exams, and OLC is the inside place the administration goes to get legal support for its spying program.

As a member of the Senate Intelligence Committee, I was given access to those secret opinions and spent hours poring over them. Sitting in that secure room, as a lawyer, as a former U.S. attorney, legal counsel to Rhode Island's Governor, and State attorney general, I was increasingly dismayed and amazed as I read on.

To give an example of what I read, I have gotten three legal propositions from these secret OLC opinions declassified. Here they are, as accurately as my note-taking could reproduce them from the classified documents. Listen for yourself, Mr. President; I will read all three and then discuss each one.

One:

An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order. Rather than violate an Executive order, the President has instead modified or waived it.

No. 2:

The President, exercising his constitutional authority under article II, can determine whether an action is a lawful exercise of the President's authority under article II.

And 3:

The Department of Justice is bound by the President's legal determinations.

Let's start with No. 1. Bear in mind that the so-called Protect America Act that was stampeded through this great body in August provides no—zero—statutory protections for Americans traveling abroad from Government wiretapping—none if you are a businesswoman traveling on business overseas; none if you are a father taking the kids on vacation to the Caribbean; none if you are visiting your aunts or uncles in Italy or Ireland; none even if you are a soldier of the United States of America in uniform serving overseas.

The Bush administration provided in that hastily passed law no statutory restrictions on their ability to wiretap you at will, to tap your cell phone, your e-mail—whatever—once you are outside the borders of the United States. The only restriction is an Executive order called 12333 which limits executive branch surveillance to Americans whom the Attorney General determines to be agents of a foreign power. That is what the Executive order says.

But what does this administration say about Executive orders?

An Executive order cannot limit a President. There is no constitutional requirement for a President to issue a new Executive order whenever he wishes to depart from the terms of a previous Executive order. Rather than violate an Executive order, the President has instead modified or waived it.

''Whenever [the President] wishes to depart from the terms of a previous Executive order,'' he may do so because ''an Executive order cannot limit a President.'' And he does not even have to change the Executive order or give notice that he is violating it because by ''depart[ing] from the Executive order,'' the President ''has instead modified or waived it.''

So unless Congress acts, here is what legally prevents this President from wiretapping Americans traveling abroad at will: nothing. Nothing. That was among the most egregious flaws in the bill passed during the August stampede orchestrated by the Bush administration, and this OLC opinion shows why we need to correct it.

Here is No. 2:

The President, exercising his constitutional authority under article II, can determine whether an action is a lawful exercise of the President's authority under article II.

That is right, the President, according to the George W. Bush Office of Legal Counsel, has article II power to determine the scope of his article II power. Never mind a little decision called Marbury v. Madison written by Chief Justice John Marshall in 1803 establishing the proposition that it is emphatically the province and the duty

of the judicial department to say what the law is.

Does this administration agree that it is emphatically the province and the duty of the judicial department to say what the President's authority is under article II of the Constitution? No. It is the President, according to this Office of Legal Counsel, who decides the limits of his own article II power. The question ''whether an action is a lawful exercise of the President's authority under article II'' is to be determined by the President's own minions ''exercising his constitutional authority under article II.'' It really makes one wonder: Where do they get these people? You have to be smart, you have to be really bright to get a job within the Office of Legal Counsel. How can people who are so smart be so misguided?

And then it gets worse. Remember point 3:

The Department of Justice is bound by the President's legal determinations.

Let that sink in a minute. ''The Department of Justice is bound by the President's legal determinations.'' We are a nation of laws, not of men. This Nation was founded in rejection of the royalist principle that ''the king can do no wrong.'' Our Attorney General swears an oath to defend the Constitution and the laws of the United States. We are not some banana republic in which the officials all have to kowtow to a supreme leader.

Imagine this in another context. Imagine a general counsel to a major U.S. corporation telling his board of directors: In this company, the counsel's office is bound by the legal determinations of the CEO.

The board ought to throw that lawyer out. That is malpractice and probably even unethical.

Wherever you are, if you are watching this, do me a favor: The next time you are in Washington, DC, take a taxi some evening to the U.S. Department of Justice. Stand outside. Look up at that building shining against the starry night. Look at the sign outside: The United States Department of Justice. Think of the heroes who have served there. Think of the battles fought. Think of the late nights, the brave decisions, the hard work of advancing and protecting our democracy that has been done in those halls. Think about how all that makes you feel.

Then think about this statement:

The Department of Justice is bound by the President's legal determinations.

If you don't feel a difference from what you were feeling a moment ago, well, I guess congratulations because there is probably a job for you somewhere in the Bush administration. Consider the sad irony that this theory was crafted in that very building by the George W. Bush Office of Legal Counsel.

In a nutshell, these three Bush administration legal propositions boil down to this: One, I don't have to follow my own rules, and if I break them, I don't have to tell you that I am breaking them; two, I get to determine what my own powers are; and three, the Department of Justice doesn't tell me what the law is, I tell the Department of Justice what the law is.

When the Congress of the United States is willing to roll over for an unprincipled President, this is where you end up. We should not even be having this discussion, but here we are. I implore my colleagues on both sides of the aisle: Reject these feverish legal theories. I understand political loyalty; trust me, I do. But let's also be loyal to this great institution we serve in the legislative branch of Government. Let us also be loyal to the Constitution we took an oath to defend from enemies foreign and domestic. And let us be loyal to the American people who live each day under that Constitution's principles and protections.

We simply cannot put the authority to wiretap Americans whenever they step outside America's boundaries under the exclusive control and supervision of the executive branch. We do not allow it when Americans are at home; we should not allow it when they travel abroad.

The principles of congressional legislation and oversight and of judicial approval and review are simple and longstanding, and Americans deserve their protection wherever on God's green Earth they may travel.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

TEFAP EMERGENCY FUNDING

Mr. BROWN. Mr. President, yesterday, I stood on the Senate floor and asked for emergency funding for the Nation's food banks. I asked for that funding because there are massive shortages of food bank supplies, empty shelves, and those shortages place at risk children, the elderly, and working families, people who have lost jobs, people who have had a string of bad luck, and families across this Nation.

I spoke yesterday of Norm, an elderly man in Cleveland, who, after spending his few dollars on rent, on utilities, and medicine, has $19 left. He needs the Cleveland Food Bank. The Cleveland Food Bank, I would add, was awarded the best food bank in the country last year, but it is running short, as are food banks everywhere in this country.

I spoke yesterday of Christian, who has trained to be a nurse's assistant, and who just gave birth. She is unable to find a job as a nurse's assistant, even though she is well trained to do that. She runs short of food, and she relies on, as does Norm, neighborhood food programs, such as the Cleveland Food Bank and other church groups in greater Cleveland.

In too many cases there is no dinner on the table. In too many cases there is no food at Christmas time. In too many cases there is just not enough food. We are the wealthiest Nation in the world. Yet we cannot feed our own people. This is an emergency. This is an outrage.

Yesterday, I talked about emergency funding to overcome that shortage. We asked for $40 million until we pass the farm bill, which will have some dollars in it to provide some supply for these food banks. We found out that food banks are projecting they will run out of food in February, when originally they thought it would last until July.

In case after case, food banks in Cleveland, in Columbus, in Toledo, and Cincinnati, food banks in the Chair's city of Baltimore, and food banks all over this country are running out of food. Grocery stores are contributing a little less this year, and the Government has not done its part.

Yesterday, I talked about some $40 million in funding to overcome that shortage, and today I want to talk about how to pay for it. We can pay for it through shared sacrifice. The budget for Congress includes firewood for fireplaces in the Capitol, fireplaces, in most cases, that don't get used. When children are hungry, we can give up fireplaces. We can give up some travel and some new technology. We can make easy sacrifices to address a tragic need.

The budget for Federal agencies includes annual buying sprees to exhaust whatever is left in departmental budgets. When children are hungry, buying sprees are offensive. We can sacrifice. We can pay for emergency funding for food banks by putting our heads together and shaving some less necessary spending from our own budgets and that of Federal agencies whose oversight is our responsibility. I am asking that we do that. Food banks need resources. We don't need firewood, we don't need buying sprees, and we can do without some other things. We need to help hungry people.

I am going to propose a package of cuts to pay for an emergency increase in food bank funding. I hope every Member of this body supports me.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 6

Mr. HARKIN. Mr. President, for the benefit of all Senators and those at their desks, right now we are going to try to get back on the farm bill. As you know, an agreement was reached last night between the majority leader and the Republican leader on the process we will be following, so I am going to

propound a unanimous consent request. I hope this has been cleared on both sides. That will basically bring us back to the farm bill. In other words, it will take down the so-called tree that was filled and take down all amendments that are pending, and the bill, as a substitute, will be pending, but then it is open for amendments at that point, for any amendment that has already been filed.

As the agreement was reached last night, there will be 20 amendments on each side. I am telling Senators if they have an amendment to the farm bill, they probably ought to get over here and offer an amendment. Senator CHAMBLISS and I are going to try to work together to try to make an even flow of this, to get the amendments up and reach time agreements and things like that so we can move the farm bill as expeditiously as possible.

On behalf of the majority leader, I ask unanimous consent that the House message on H.R. 6 be returned to the Secretary's desk.

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

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. HARKIN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Pending:

Harkin amendment No. 3500, in the nature of a substitute.

Reid (for Dorgan/Grassley) amendment No. 3508 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increased funding for certain programs.

Reid amendment No. 3509 (to amendment No. 3508), to change the enactment date.

Reid amendment No. 3510 (to the language proposed to be stricken by amendment No. 3500), to change the enactment date.

Reid amendment No. 3511 (to amendment No. 3510), to change the enactment date.

Motion to commit the bill to the Committee on Agriculture, Nutrition, and Forestry, with instructions to report back forthwith, with Reid amendment No. 3512.

Reid amendment No. 3512 (to the instructions of the motion to commit to the Committee on Agriculture, Nutrition, and Forestry, with instructions), to change the enactment date.

Reid amendment No. 3513 (to the instructions of the motion to recommit), to change the enactment date.

Reid amendment No. 3514 (to amendment No. 3513), to change the enactment date.

Mr. HARKIN. Mr. President, I now ask unanimous consent that all pending motions and amendments, except the substitute, be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. As I understand it now, Mr. President, the farm bill is before us. There are no pending amendments, also, whatsoever?

The ACTING PRESIDENT pro tempore. The Harkin substitute is pending.

Mr. HARKIN. That is what I mean. The substitute is there, but there are no other pending amendments to it.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. I yield to my colleague.

Mr. CHAMBLISS. Mr. President, let me say to the chairman that I am very appreciative of the discussions and negotiations we have had ongoing over the last several weeks. He and I have both been very frustrated by the lack of activity on this farm bill. We know very well that we have worked in a bipartisan way to craft a farm bill that is going to be a great benefit to farmers and ranchers across America over the next 5 years. This is a critically important piece of legislation that was passed out of the committee by a unanimous vote, with only one person who was not there saying he would not have voted for it. That is significantly unusual. It is also unusual to complete the markup of a farm bill in a day and a half, which we did. I credit the chairman's leadership for that and the fact that we were able to work in a strong bipartisan way to make sure we got a bill that is not exactly like any of us would want it if we were the sole authors of the bill, but that is the way it is supposed to work in this body.

I do truly want to thank Chairman HARKIN and his staff. I see Mark Halverson sitting over there, who has worked very closely with Martha Scott Poindexter on my staff to clear so many of these almost 300 amendments that popped up over the last 4 weeks. Without the staff doing the work they have done, we simply would not be where we are today.

I also wish to say to Senator CONRAD that I appreciate very much his work—again, in a very bipartisan way—to come together and make sure we get relevant amendments. There are going to be some that are going to be irrelevant that may be considered, but, again, that is part of the way this body works; and to the two leaders for their discussions, their negotiations in allowing us ultimately to get to the point where we have now reached an agreement that we have 20 amendments offered by the Democrats, 20 amendments offered by the Republicans, and over the next several days we are going to debate these amendments, have votes on them, and move ahead with the conference with the House on a farm bill that is desperately needed by our farmers and ranchers. I think at the end of the day it is going to be a farm bill that will have a very positive influence on American agriculture.

I thank the chairman for his cooperative spirit and for the fact that we have been able to come together with this farm bill now, get it to the floor, now get it debated, and you and I are going to work very hard to make sure we get it done in short order. I look forward to a discussion of the amendments.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, let me thank my friend and colleague and ranking member, Senator CHAMBLISS, first for starting the process. It was under his leadership on the Agriculture Committee that a lot of field hearings were held across the country in preparation for this farm bill. Then, by dint of the elections last year, I then took over as chairman this year, and we worked very closely to continue the great progress Senator CHAMBLISS had made moving the ball forward. We had some bumps along the way, obviously. I shared the frustration of my friend over the last few weeks. But we came out of the committee with a good bill, a good bipartisan bill.

It is a bill that really responded to agricultural needs around the Nation and also responded to nutrition needs. A large part of this bill, over 50 percent of this bill goes for nutrition, food stamps, things like that. We took some great strides in the committee to make sure we updated some of the exemptions, things like that, so people who are on food stamps, people who need that kind of help are not hurt by inflation over the past number of years and that sort of thing.

There are good provisions in this bill on energy, on conservation. I think there is a good, strong safety net for all of our agricultural producers across the country. Obviously, there is a lot in here for specialty crops, kind of a new part of our bill this year, reaching out to get more people involved in our process here—specialty crops all across the country.

There is a lot of good in this farm bill for everyone in this country. I never like to dwell on the past. We have had some problems over the last few weeks, but we are through that. I thank Senator CHAMBLISS and his staff for working with us to get to this point. I think we have a manageable bill now, with 20 amendments on either side. I am hopeful that as we get amendments we will be able to get some reasonable time agreements. I have already spoken to some people about that. Most of the people with amendments are agreeable to certain time limits on their amendments. That, hopefully, will expedite matters also.

We are here, and I hope we are going to start moving the bill. As we know, there are no more votes today, but amendments can be offered and laid down and debated today, and, of course, they will be in the queue for voting when we get back here next Tuesday. If anyone has any amendment, I suggest now might be the time to come forward, on either side, and talk either to Senator CHAMBLISS or to me about getting in the queue to offer those amendment also.

We have a very important bill. Hopefully, we can get it done. I remain hopeful that before the end of next

week—I don't know, maybe that is a little optimistic, but I believe in optimism—perhaps by the end of next week we might actually bring this to a close and get to conference.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, after consultation with the ranking member, Senator CHAMBLISS, and because of the structure of this before, it was assumed that the Dorgan-Grassley or Grassley-Dorgan amendment would be the first amendment. I am going to call up that amendment, but then, under the agreement we have, we will be setting it aside for any other amendments that come up.

AMENDMENT NO. 3695 TO AMENDMENT NO. 3500

(Purpose: To strengthen payment limitations and direct the savings to increased funding for certain programs)

Mr. HARKIN. Mr. President, I call up amendment No. 3695 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. HARKIN), for Mr. DORGAN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3695.

(The amendment is printed in the RECORD of November 15, 2007, under ''Text of Amendments.'')

Mr. HARKIN. Therefore, the pending amendment would be the Grassley-Dorgan amendment, and I ask unanimous consent to set that aside.

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

Mr. HARKIN. Mr. President, I see our distinguished leader here, Senator DURBIN, but I know Senator KLOBUCHAR has been waiting to offer her amendment.

Ms. KLOBUCHAR. The Senator may go forward.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

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

Mr. DURBIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

AMENDMENT NO. 3819 TO AMENDMENT NO. 3500

(Purpose: To increase funding for critical Farm Bill programs and improve crop insurance)

Mr. BROWN. Mr. President, I ask unanimous consent the pending amendment be temporarily set aside, and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, Mr. SCHUMER, and Mr. SUNUNU, proposes an amendment numbered 3819 to amendment No. 3500.

Mr. BROWN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BROWN. Mr. President, this amendment, in essence, moves money from the overpayment of huge subsidies of crop insurance to McGovern-Dole, a long-term bipartisan program this Congress has supported, and a few other things I will outline in more detail on Tuesday.

I ask unanimous consent that the amendment be set aside.

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

AMENDMENT NO. 3810 TO AMENDMENT NO. 3500

Ms. KLOBUCHAR. Mr. President, I call up my amendment No. 3810 which is at the desk. I will set it aside after I say a few words about it.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Ms. KLOBUCHAR], for herself, Mr. DURBIN, and Mr. BROWN, proposes an amendment numbered 3810 to amendment No. 3500.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit)

Beginning on page 210, strike line 15 and all that follows through page 214, line 9, and insert the following:

(c) MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION.—

''(1) COMMODITY AND CONSERVATION PROGRAMS.—

''(A) COMMODITY PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(A) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds—

''(i) $250,000, if less than 66.66 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary; or

''(ii) $750,000.

''(B) CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, an individual or entity shall not be eligible to receive any benefit described in paragraph (2)(B) during a crop year if the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, exceeds $2,500,000, unless not less than 75 percent of the average adjusted gross income of the individual or entity, or the average adjusted gross income of the individual and spouse of the individual, is derived from farming, ranching, or forestry operations, as determined by the Secretary.

''(2) COVERED BENEFITS.—

''(A) IN GENERAL.—Paragraph (1)(A) applies with respect to the following:

''(i) A direct payment or counter-cyclical payment under part I or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(ii) A marketing loan gain or loan deficiency payment under part II or III of subtitle A of title I of the Food and Energy Security Act of 2007.

''(iii) An average crop revenue payment under subtitle B of title I of Food and Energy Security Act of 2007.

''(B) CONSERVATION PROGRAMS.—Paragraph (1)(B) applies with respect to a payment under any program under—

''(i) title XII of this Act;

''(ii) title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223); or

''(iii) title II of the Food and Energy Security Act of 2007.

''(3) INCOME DERIVED FROM FARMING, RANCHING OR FORESTRY OPERATIONS.—In determining what portion of the average adjusted gross income of an individual or entity is derived from farming, ranching, or forestry operations, the Secretary shall include income derived from—

''(A) the production of crops, livestock, or unfinished raw forestry products;

''(B) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water or hunting rights;

''(C) the sale of equipment to conduct farm, ranch, or forestry operations;

''(D) the rental or lease of land used for farming, ranching, or forestry operations, including water or hunting rights;

''(E) the provision of production inputs and services to farmers, ranchers, and foresters;

''(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities;

''(G) the sale of land that has been used for agriculture; and

''(H) payments or other income attributable to benefits received under any program authorized under title I or II of the Food and Energy Security Act of 2007.''.

(2) INCREASED FUNDING FOR CERTAIN PROGRAMS.—In addition to the amounts made available under other provisions of this Act and amendments made by this Act, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out—

(A) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), an additional $20,000,000 for the period of fiscal years 2013 through 2017;

(B) the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), an additional $10,000,000 for each of fiscal years 2013 through 2016;

(C) the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), an additional $5,000,000 for each of fiscal years 2013 through 2017;

(D) the program of grants to encourage State initiatives to improve broadband service established under section 6202, an additional—

(i) $40,000,000 for the period of fiscal years 2009 through 2012; and

(ii) $30,000,000 for the period of fiscal years 2013 through 2017;

(E) the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), an additional $10,000,000 for each of fiscal years 2013 through 2014;

(F) the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), an additional $15,000,000 for each of fiscal years 2013 through 2017;

(G) the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012; and

(H) the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), an additional $40,000,000 for the period of fiscal years 2009 through 2012.

(3) EXTENSIONS.—Notwithstanding any other provision of this Act, or an amendment made by this Act—

(A) the authority to carry out the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), is extended through September 30, 2017;

(B) the authority to carry out the provision of assistance for community food projects under section 25 of the Food and Nutrition Act of 2007 (7 U.S.C. 2034) (as amended by section 4801(g)), is extended through September 30, 2016;

(C) the authority to carry out the beginning farmer and rancher individual development accounts pilot program established under section 333B of the Consolidated Farm and Rural Development Act (as added by section 5201), is extended through September 30, 2017;

(D) the authority to carry out the program of grants to encourage State initiatives to improve broadband service established under section 6202, is extended through September 30, 2017;

(E) the authority to carry out the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (as amended by section 7104), is extended through September 30, 2014;

(F) the authority to carry out the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) (as amended by section 7309), is extended through September 30, 2017;

(G) the authority to carry out the biomass crop transition assistance program established under subsections (b) and (c) of section 9004 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012; and

(H) the authority to carry out the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (as amended by section 9001), is extended through September 30, 2012.

Ms. KLOBUCHAR. Mr. President, I first wish to acknowledge the great leadership of Senator HARKIN and Senator CHAMBLISS on this farm bill. I am proud to be a member of the Agriculture Committee and to be involved in this forward-looking farm bill. I also wish to thank the many authors we have on this amendment that I am going speak on today, including Senator DURBIN and Senator BROWN, both of whom were in here in the last few minutes.

This amendment includes some reasonable income eligibility limits for subsidies under the farm bill. The focus of this amendment is to make sure the subsidy and the safety net in the farm bill go to the people whom it will most help; that is, the family farmers of this country, not to real estate developers in Florida or art collectors in San Francisco. The focus is on family farmers throughout this country.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farmers from the financial shock of volatile weather and equally volatile commodity prices. Almost 75 years later, the reason for maintaining that strong safety net still exists.

The 2002 farm bill has spurred rural development by allowing farmers in Minnesota and across the country to take risks to expand production. Because of productivity gains and innovation, including advances in renewable energy, the farm support programs in the 2002 farm bill are projected to come in at $17 billion under budget.

So as we debate this current farm bill, as we will in the coming days, it is important not to underestimate the value of a strong bill to our country, to agriculture, to the rural communities throughout the Nation.

That is why, as a member of the Ag Committee, I strongly supported this farm bill and voted for it. It includes an increased focus, as the chairman mentioned, on energy, including cellulosic-based ethanol, continued support for a strong safety net, permanent disaster relief, so important to our farmers, and additional funds for conservation and nutrition.

Of particular importance, the country should know we balanced our budget in this bill, with every dollar of new spending fully offset. So there is a lot of good for Minnesota and the rest of the country in this farm bill.

There is, however, one critical area where I believe we can do some more reform; that is, to make sure the urban millionaires do not pocket the farm subsidies that are intended for our hard-working farmers. Here is a fact in my State. Minnesota is the sixth largest agricultural State in the Nation. Naturally, however, 60 farmers have collected more than $1 million each under the 2002 farm bill. None of those farmers are in my State.

The top 20 business recipients in the country have each gotten more than $3 million under this farm bill. Yet the average income of a farmer in Minnesota, after expenses, is $54,000. But under the current system, a part-time farmer can have an income as high as $2.5 million from outside sources and still qualify for Federal farm benefits.

I do not believe we should be handing out payments to multimillionaires, when these payments should be targeted to family farmers. Big payments to big-city investors threaten to undermine public support for the farm bill as a whole, even though people should know the commodity programs are projected to be just under 15 percent of the total farm budget over the next 5 years.

A poster boy for what needs to be changed is Maurice Wilder, the Florida-based developer who is the Nation's top recipient of farm payments—not conservation payments but commodity payments—for properties in five States, even though his net worth is estimated to be $500 million. This man is not a farmer. He is independently wealthy. He is a real estate developer, and he should not be getting Government checks. We have examples from all over the country of people who have been getting these checks, from David Letterman to Paul Allen.

But the problem doesn't stop with the extremely wealthy. Checks that are intended for farmers are being sent all over urban areas. Since enactment of the 2002 farm bill, $3.1 million in farm payments has gone to residents in the District of Columbia, $4.2 million to people living in Manhattan, and $1 million of taxpayer money under the farm bill of 2002 has gone to Beverly Hills 90210. Last time I checked there wasn't a lot of farmland in these communities. We can fix this problem and do better for our farmers by using the new farm bill to close loopholes, tighten payment limits, and enforce tougher income eligibility standards.

Again, I am a strong supporter of this farm bill. I believe the 2002 farm bill did some wonderful things for our country in terms of expanding production and revitalizing rural communities. What we want to do is build on the 2002 farm bill, fix some things, and make sure we go forward with a strong rural economy.

One thing was already fixed in the bill that came out of committee, and that is the three-entity rule. The current Senate and House—and this has actually gone through the House floor—proposals eliminate the three-entity rule. This will cut down abuse by applying payment limits strictly to individuals and married couples and ending the practice of dividing farms into multiple corporations so they can multiply payments. Second, as already

mentioned by our chairman, the longstanding amendment proposed by Senators DORGAN and GRASSLEY would limit annual payments under this bill. This amendment would also bring meaningful limits to the marketing loan program and close enormous loopholes that allow millions of dollars to flow to individual recipients under the current law. I support the Dorgan-Grassley amendment, and I urge my colleagues to do the same.

I believe a third kind of reform is also needed. Congress should act to prevent payments that are intended for hard-working family farmers from going to urban millionaires. We can do this by placing reasonable limits on the incomes of people and businesses that participate in the commodity program. Under current law, if you are not a full-time farmer, meaning that less than 75 percent of your income comes from farming, you are eligible to get commodity payments as long as your adjusted gross income is less than $2.5 million per year. This is part-time farmers under current law.

Let's figure out what that means. You can live in a city, have a job as an investment banker, make $2 million a year, and still get Government checks if you own shares in a farm. If you are a full-time farmer or farm corporation, meaning that more than 75 percent of your income comes from farming, under current law there is absolutely no limit on how much net profit you can have in a given year and still get farm payments. What we are talking about is, expenses are actually deducted for us to get to these numbers. Even with the expenses deducted, you can make, for part-time farmers, $2.5 million per year, and there is no limit for full-time farmers, and you are still eligible for these subsidies.

It also means mega farms that span entire counties can bring in untold millions in revenue and still get these kinds of payments. This flies in the face of common sense. It is against the intent of Congress and, along with two other amendments I support—one that is already in the bill, the Dorgan-Grassley amendment and this one—it will allow us to address these problems that have given rise to scandals that have already provided ammunition to those who say we should not have a farm bill. I believe we must have a farm bill. I have been pushing for this. I am glad we finally reached agreement on a total number of amendments so we can actually move forward with this farm bill next week.

I am offering this amendment, along with Senators DURBIN, BROWN, and many others, to place reasonable limits on the incomes of those who receive farm payments. Here is how the amendment works. If you are a full-time farmer, meaning that more than two-thirds of your income comes from farming, you can participate in the farm program, and you can get the subsidies, as long as your income after you deduct expenses does not exceed $750,000. If you are a part-time farmer or farm investor, and you have substantial sources of income off the farm, you can participate in farm programs if your income does not exceed $250,000. It is that simple.

I will note it is somewhat similar to some of the reforms the House enacted off the floor in their bill. Their amendment puts it at $1 million for a full-time farmer and then $500,000 of income for a part-time farmer. Right now the bill that came out of the Senate committee places no limits on the income of full-time farmers, and then places a limit on a part-time farmer at $750,000. What we are doing is trying to put the limits at $750,000 for a full-time farmer and $250,000 for a part-time farmer. This is better than the original proposal by the administration which sort of lumped part-time and full-time farmers together. This makes more sense, having talked to farmers in my State and across the country.

Some of my colleagues have said $750,000 is too low; that some farmers have a high cost of production and they need a higher income. Again, I remind my colleagues the income limit is applied after your farm expenses are deducted, including all your labor, your equipment, your fuel, and your fertilizer. We are talking about how much profit you have made at the end of the year.

If you own a farm that has netted $1 million in a single year after all your expenses are paid, I salute you. That is wonderful. There is nothing wrong with that. I would love it if every farmer in Minnesota had $1 million in the bank at the end of the year. But if they did, this amendment says they can't get the subsidy. But if you have received $750,000 in income, if you are a full-time farmer—$250,000 if you are part time—then you would be eligible.

Some of my colleagues have said the $750,000 limit on part-time farmers and nonfarmers is too low. If you live in the city and you own shares in a farm and you have a substantial source of income outside of farming that puts you over $250,000 a year, that is great for you. That is a good thing. Lots of Americans would love to be in that position and have that problem. But they do not necessarily want to provide their tax dollars to give subsidies for these people who are living in Beverly Hills 90210 or New York and simply have investments. Vast Americans don't believe that is where farm subsidies should be going. They should be going to family farmers who make their income off farming, who are facing volatile weather and volatile prices that could basically put them under. We don't want to have that happen. Not only for the economy but also for our national security, we must have farming and we must have a strong agricultural sector.

In conclusion, the intent of this amendment is to strengthen the farm bill. All Americans have a vital stake in the fortunes of our farms and rural communities. Agriculture remains central to our Nation's economy, especially our prosperity in the global marketplace. That is why I support this farm bill, a basically national security bill. I intend to support it. I supported it out of committee, and I intend to support this legislation when it comes to a vote.

But it is not enough to have the support of just farm State Senators. I believe it is important to have the support of the entire country. We need this kind of reform because we need to have support from the entire country if we want to pass this bill. Inertia may be the most powerful force in the political universe, but after 75 years, the best interests of America's rural economy demand that we correct the abuses of the past so we can move forward to ensure a strong safety net for our hard-working farmers.

I urge my colleagues to support my amendment. I ask unanimous consent that the amendment be laid aside.

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

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I want to respond quickly to the Senator from Minnesota who has filed one of two amendments to the issue of payment limits in this bill. It is important we understand the history of payment limits. This has always been a controversial issue in every farm bill. This is my third farm bill, and certainly we had significant reform in the 2002 farm bill over the 1996 farm bill. Here we are again with the same argument being presented, that farmers ought not to be entitled to significant payments from the Federal Government in very tough times when prices are low or yields are low, which is absolutely the direct intention of a farm bill.

My friend from Minnesota referred to two things I want to agree with. The first is, the 2002 farm bill spent approximately $17 billion less through the first 5 years than what was originally projected. The reason there was less money spent than was projected by the pundits in 2002 is the fact that the 2002 farm bill was market oriented. We provided farmers and ranchers with tools through utilizing their credit measures, as well as crop insurance measures, as well as other marketing tools that were incorporated into the 2002 farm bill that caused prices to not necessarily rise, but when supply rose, demand was there to meet that supply. Therefore, the ultimate amount of money coming from Washington into the hands of farmers and ranchers was $17 billion over 5 years less than what was projected.

How does that impact payment limits? It has a direct impact on the payment limit issue because that simply is a part of the reason that an additional amount of money within that $17 million was not spent. We made significant reforms in the 2002 farm bill to ensure, with every precaution we could

possibly take, that payments going from Washington to any State in the Union went into the pockets of farmers. We did everything we could to ensure that. But in spite of trying to do that, there were abuses and I acknowledge that. There are always going to be abuses. This doesn't apply to just farm programs. It unfortunately applies to about every Federal program.

I see my friend from Arkansas on the Senate floor. She and I have worked diligently over the last several months to try to make additional reforms to the payment limit issue from the 2002 farm bill into this farm bill. Once again, we have made significant reforms. We have reduced that AGI limit down to $1 million in 2009 and $750,000 for each year after that. So somebody who is a hobby farmer who has a high income that, in our opinion, does not deserve payments is not going to get those payments. Somebody who gets dirt under their fingernails and, frankly, if they make more than $750,000 a year, it means they have worked hard as a farmer to generate that kind of income on an operation. I assure you, if they make $750,000 this year, they could lose every bit of that next year.

So to say we ought to take a farmer who makes $750,000 in 1 year, where he has gambled all of his life's savings to invest in his crop, which undoubtedly would have been millions and millions of dollars for him to generate that kind of income, that we are going to strip him of any entitlement to payments in the next year, when he may lose everything he has saved up all of his life, I don't think is looking out for the best interests of farmers and ranchers from an overall standpoint.

We did make changes in the bill this time on payment limits. We reduced the $360,000 cap down to $100,000. We eliminated the three-entity rule. If you had told me 10 years ago that in 2007 we were going to be eliminating the three-entity rule in the payment limit provision, I would have told you that you were as crazy. If you told me that 5 years ago, I would have said say there is no way we would eliminate the three-entity rule. That has kind of been a standard under the payment limit provision. But we have decided it is in the best interest of agriculture that it be eliminated.

We worked very hard to make sure we try to be fair to farmers and try to encourage family farmers to continue. The main reason we have always had the three-entity rule is to allow for the children of farmers to begin operating as farmers without having to worry about the significant capital investment that their parents have had to make over the years because they simply cannot do it. A young farmer simply cannot make that investment.

Well, we have eliminated that three-entity rule that has been very advantageous to young farmers. We are replacing it with some other measures that will allow young farmers to get into the business with their parents and come back to that family farm, which I think all of us would like to encourage.

My family happens to be the beneficiary of that exact situation—not my immediate family but my son-in-law. I am very excited about the fact that he is back in his family farming operation.

We did add a $2.5 million AGI test to the 2002 farm bill in response to media criticism that high-income individuals were receiving conservation and commodity program payments. We sought to ensure that benefits were denied to wealthy individuals who did not rely on farming for their livelihood but that they remain available to farmers and ranchers so long as—and I emphasize this: so long as—75 percent of their income is derived from farming, ranching, or forestry. In the bill reported out by the Senate Agriculture Committee, there is a provision that reduces the income level for determining program eligibility by 70 percent over a period of 2 years. By 2010, if income exceeds $750,000—down from the current level of $2.5 million—the individual is not eligible for payments unless two-thirds of that individual's income is derived from farming, ranching, or forestry.

Through a deliberate and balanced approach, the Agriculture Committee brought reform to the AGI means test by further targeting program benefits to those individuals who depend on farming for their livelihood. Even though the committee has approached this matter with caution, there are simply no reliable statistics that determine the actual impact of the new AGI level.

Further modifications of the AGI means test beyond those approved by the committee would be risky and very disruptive to the American farmer. Specific concerns with an even more restrictive AGI means test would include the following:

An overly restrictive AGI ceiling disregards the financial reality of commercially viable farms. The Senator from Minnesota mentioned that AGI is basically the net profit, that it covers all payments for fuel and nitrogen and equipment. That does cover the cost of fuel and nitrogen and all the labor and all the other input costs. But out of AGI no equipment payments are covered, no land payments are covered, no interest payments are covered, no payments for the purchase of any additional real estate are covered.

So $750,000 is a lot of money—there is no question about it—but here you have an individual who has invested millions of dollars into their farming operation, who has generated $750,000 of AGI, and without looking at the books of that individual, I can tell you from my almost 40 years of experience in agriculture that individual has either a cotton picker that costs $250,000 they have to pay for, a corn combine that costs $200,000 they have to pay for, a couple of tractors that probably cost in the range of $100,000 they have to pay for. They have land rent—well, rent would be deducted. They have land payments that have to be made. So to say that somebody who has that kind of income just ought to be severely penalized because they are a big farmer is not the way farm bills have ever operated, and I do not think it is the way this farm bill needs to operate. Do we need to make sure farm payments go the farmers? You bet we do. We are doing everything we can to see if we cannot make sure that happens.

Secondly, a problem with the AGI test is that if the exclusion for people who depend on farming and ranching is ended, then it indicates that the purpose behind the means test has changed from excluding millionaires who happen to own a farm to specifically targeting farmers and ranchers. Thirdly, an unreasonable AGI means test creates uncertainty for growers and their lenders by creating a ping-pong effect of being eligible 1 year and being ineligible the next, making it difficult or impossible for lenders to measure with any degree of certainty the future cash flow of thousands of farm and ranch families in order to make both short- and long-term lending decisions.

I have already discussed that in some detail, and I will not go into that any further, but that is a critical aspect of this when you have folks who are gambling all of their life savings that the Good Lord is going to provide them with enough rain and that the prices are going to be there at the end of the day to be able to justify the annual investment they have just made.

Again, proponents of an AGI means test state: Of all schedule F filers, only 1.2 percent—or 25,000—had an AGI of $200,000 or more and received farm program payments. This statistic fails to reflect the fact that most operations that could be most directly impacted by the AGI means test do not file schedule F tax returns. Therefore, this statistic seriously underestimates the number of producers and, perhaps more importantly, the share of acres or production that would be left unprotected. Furthermore, those percentages are deceptive because the population of schedule F filers is not limited to producers currently eligible for title I program benefits.

Next, building on the information provided by the Internal Revenue Service, a recent study by USDA's Economic Research Service used survey data to estimate the impact of the AGI means test on producers organized as partnerships and corporations. The study estimates that 2.5 percent of farm partnerships and 9.7 percent of farm corporations could be subject to the proposed cap. Furthermore, the ERS estimates that 9.3 percent and 8.5 percent of cotton and rice farms, respectively, would exceed the AGI limit. It is important to note that these impacts are estimates based on a small sample of producers and not based on actual IRS data.

An unreasonable AGI means test would make U.S. farm policy unpredictable, inequitable, and punitive for thousands of American farm and ranch families, especially tenant and beginning farmers and ranchers, as well as lenders, landowners, Main Street businesses, and rural communities.

One statistic you will hear me talk about again during the course of this debate comes from a study done by the College of Agriculture in my home State at the University of Georgia, where, according to the research recently produced in a study, it was determined that $1.05 in taxes—taxes—is returned to the Federal Government for every $1 of agricultural farm payments that have been made across America. That is a pretty significant statistic when you think about what happens on Main Street rural America as a result of farm payments that are made.

An overly restrictive AGI rule would make it difficult or impossible for farm and ranch families to lease land where their eligibility for any 1 year may be in doubt and force a change to cash rent, shifting all risk to the tenant as opposed to a share rent that allows the landlord to share in the production risks. If a landlord wants to help out a young farmer, under this amendment they simply would not be able to do so because they are not going to take that risk. They would be foolish to take that risk.

Further tightening of the AGI rule severely inhibits ordinary commercial activity involving the sale of land and other assets, which would jeopardize benefit eligibility. AGI rules clamp down on spouses who take off-farm jobs to help provide family income, especially in years where little or no take-home pay is generated from the farm or ranch, to provide health insurance for the family, or simply to continue a profession, such as teaching.

Lastly, estimates of the impacts of an AGI means test focus on the percentage of producers who will be affected. However, these estimates do not address the true impact of the means test because they fail to address the percentage of acres or production that will be affected. For example, the Census of Agriculture indicates that the largest 10 percent of cotton and rice producers account for 30 percent to 50 percent of cotton and rice production in many States.

I would dare say, the statistic, again, you will hear as we continue further debate on this amendment—as well as the Dorgan-Grassley amendment—is that about 80 percent of production agriculture in the United States is generated by approximately 20 percent of America's farmers and ranchers. So who should get the biggest benefit of agricultural programs that are available to farmers? Is it the 20 percent that take the least risk, have the least chance of suffering a significant loss, or should it be those farmers who are willing to take the risk, invest all of their life savings on an annual basis in their operation, with the idea they will have that safety net underneath their operation in the event they suffer a disaster as a result of weather, a disaster as a result of price, or a disaster as a result of insect infestation or some other disease infestation that might occur?

So this amendment simply is not realistic when it comes to American agriculture production for either a small farmer or a large farmer because if you take an AGI test and you look at how much money that farmer—be it a small farmer or large farmer—has to pay for land they hope they will own one day, for equipment, and the other deductions that have to come out of that AGI, all of a sudden there is an entirely different picture out there that is actual and is not imagined.

So I am opposed to this amendment. At the proper time, I am sure we will talk more about it. We will look forward to additional debate and for an ultimate vote on this amendment.

Ms. KLOBUCHAR. Mr. President, if I could briefly respond to Senator CHAMBLISS. I see my colleague from Idaho is here.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, as Senator CHAMBLISS said, we will be discussing this more in the week to come. I think Senator CHAMBLISS and I agree that the last farm bill was successful for our country. People do not often realize when you read some of these reports in the paper that it came in $17 billion under budget. That money went back to the Government.

Also, we had a lot of success with that bill. I do not think that success stemmed from the fact that some of the scandals were occurring, with a million dollars going to Beverly Hills 90210 and some of these other places.

I appreciate the efforts we have made in the committee toward reform. As Senator CHAMBLISS mentioned, getting rid of the three-entity rule was a very important step, also making some movement on the part-time farmers. To go to $750,000 for the income limit for part-time farmers is a very important step. What I am trying to do with this amendment, and my colleagues who support it are trying to do, is simply take a step further because we believe this money should be more targeted to family farmers.

Mr. President, as you know, as we discussed, this amendment does exclude expenses. When you are looking at the number $750,000 for full-time farmers, we are talking there about profit. Even for a large farm, deducting all their expenses, $750,000 would be a very good year. So I believe if you look at this as a whole, people have to understand we are talking about profits and not expenses. The same with the part-time farmers. The definitions we use in this bill are similar to the ones that, in fact, the committee used to define expenses. So if it is good enough to define expenses for an agreed-upon committee standard at $750,000 for part-time farmers, then I believe if you look at going down to $250,000 in profits for part time, $750,000 for full time, the expense definition should be the same.

I also wanted to respond to the remarks about the USDA study on the AGI limits. My colleagues should understand that was based on the administration's proposal—that study, the President's proposal—which actually put part-time and full-time farmers at the same number, which was $200,000. Clearly, we have worked with our farmers, talked to them across the country. This amendment is different. It differentiates between the part-time farmer and the full-time farmer, understanding that they are in different positions. I would also note the USDA study found no regional bias in those who would be affected by this AGI limit.

So I believe as we go forward we have to keep in mind that those of us who support this amendment from States such as Minnesota and Illinois support a strong farm bill. We believe we have to have a strong safety net for our farmers, but the money shouldn't be going to Beverly Hills 90210 and it shouldn't be going to art collectors in San Francisco and it shouldn't be going to investment bankers in New York or to real estate developers in Florida. It should be targeted in a reasonable way to those who actually farm and to those part-time farmers who make a reasonable income, not to people who are making $1 million, $2 million, $3 million, $4 million a year. That is what this is about: making sure the safety net is there for those who need it.

By the way, if you have a large farm that has a bad year, and your profits go down, they could well qualify for the subsidies under that scenario. That is what we are talking about.

I wish to also add that the House bill that came off the House Floor does have some income limits. It has $1 million for a full-time farmer, $500,000 for a part-time farmer. We have no income limits for a full-time farmer in the existing Senate bill—no income limits at all. For a part-time farmer, our limits at $750,000 are significantly higher than the House bill.

So what my colleagues and I are trying to do with this bill is to get it in line so that it shows some actual reform of income limits—slightly lower than the House but still in the ballpark—so that we are actually doing some reform and not just giving lip service to it.

I appreciate the work of Senator HARKIN and Senator CHAMBLISS and the reforms we have made so far. I think we need to go a step further so we target the money on those family farmers and not urban multimillionaires.

Thank you very, Mr. President. I look forward to this debate as we go forward.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, does the Ranking Republican of the Agriculture Committee want to introduce an amendment on this side before I speak? I understand he has an amendment he would like to introduce and set aside before I speak.

Mr. CHAMBLISS. I thank the Senator from Idaho.

AMENDMENT NO. 3711 TO AMENDMENT NO. 3500

On behalf of Senator LUGAR, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3711.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. LUGAR, proposes an amendment numbered 3711.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Thursday, November 15, 2007, under ''Text of Amendments.'')

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the amendment be set aside.

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

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, many of us in the Senate have been waiting now for well over a month for this document, S. 2302, to come to the floor and begin what is a right and responsible approach toward legislating: offering it up to amendments, allowing Senators to work their will under the rules of the Senate, and to complete it on time. The Democratic leader thought he could short-circuit that, that he could what we call ''load up the tree'' and not allow these kinds of amendments, only to find out in the end that wasn't about to happen; that both Democrats and Republicans alike would not allow the rules of the Senate to be thwarted and to deny the responsibility of each and every Senator, if they choose, to offer an amendment.

Later on in the course of this debate next week, I and Senator DOMENICI and Senator THUNE will be offering an amendment that relates to RFS—renewable fuels standard. It is with that in mind that I come to the floor today to talk about a farm bill in a substantially different context.

We believe, and we have always felt, that agricultural policy was critical for America—for American farmers, yes, but for America's consumers of food and food products, most importantly.

There is no doubt the average consumer in America today spends less on high quality food than any other consumer in the world. America's food supermarkets are full of food. There are no shortages. There is great abundance. There is phenomenal variety. Without question, our food supply is the safest in the world. I believe, in large part, that is as a result of a combination of two things happening: the phenomenal capability of America's free and independent farmers, as well as a government that has been consistently willing, down through the decades, down through the Depression and the droughts and the hurricanes and the hail storms and all of that, to work with its farmers to ensure that they could stay on the land and produce. But rarely in the course of all of these decades of farm policy have we thought in the context that we are beginning to think today, which is that America's farmers can become, or are becoming, one of America's largest suppliers of energy. It is not a new phenomenon; it is a rapidly growing diversity in the American agricultural portfolio that is doing what we have wanted done for a long time, but simply because of a combination of program and price in the market didn't see happen.

So for a few moments this afternoon I would like to talk about the farm bill but in the context of energy and energy supply. Farmers, we have always believed, and know, if you have been one—and I have—are large consumers of energy. It takes a lot of diesel to plow a field, to run a combine, to run a corn dryer. It takes a lot of natural gas to produce nitrogen and phosphates and all of the necessary supplies and input costs that the Senator from Georgia was speaking to and about a few moments ago. America's agricultural producers are very large consumers of energy. But it has only been in the last decade that they have begun to become large consumer producers of energy. As that has happened and as we have changed and shifted policy in this country to incentivize and reward that production, we have watched that production grow very rapidly. We are now producing around 8 billion gallons of ethanol annually.

We encouraged it in the 2005 Energy Policy Act, and America's farmers went to the task of building the ethanol distilleries and beginning to supply the market as we allowed ethanol to enter the market at ever-higher volumes.

Now, an old farmer told me not long ago: You know, this is nothing new for American agriculture. Before we had tractors, farmers supplied all of their fuel for their farming. I hadn't put it in that context. I grew up on a farm and a ranch where one side of a barn once housed—I am talking a horse farm—once housed teams of horses that pulled the plow, that pulled the harvesters, and did all of that, and it was energy from our farm that fed the horse that produced the energy of the horse. We were not importers of energy to our farm. We were producers of energy. But that was 90 years ago. Then, American farming changed dramatically, and we became increasingly more productive. We began producing our own energy, and we started consuming it from outside sources, and it became gasoline and diesel. It isn't that we will see a reversal, but we are seeing a phenomenal new opportunity of production, and that is in combination a result of farm policy. This bill is a good farm bill, and the Senator from Georgia and the Senator from Iowa need to be congratulated for the cooperative effort in which they have worked to produce it. It will be, if you will, in part, one of the directives of American agriculture for the next 5 years, when it is passed.

What is important now is to try to look down the road and talk about a role for America that we must increasingly play if we are going to continue to be the strong power we are for ourselves and our citizens, but also for the world. What has happened from that time when horses once pulled the plow until now with that big tractor out there with hundreds of horses under the hood, if you will, pulling multiple plows, is that we began to become a nation of energy importers. Since I have been in Congress over the last 27 years, we went from 30 percent to 40 percent to 50 percent to 60 percent dependent on foreign countries producing our energy for us. I did say countries. I didn't say companies because the bulk of the oil in the world is owned by governments, not companies, and almost every one of those governments today is less than concerned and, in many instances, hostile to America.

So it seems only fitting to me that as we shape public policy in this country, we do so in a way that begins to move America toward energy independence. The American farmer, more than ever before, can become that producer of energy and help in that equation of energy independence in a way that even a decade ago we didn't think possible at all. With the passage of the Energy Policy Act of 2005 and the expansion of entry of ethanol into the market, we saw that market begin to take off and we saw production of ethanol begin to take off. We saw the distortion that always occurs in a market when a new demand begins to occur for a commodity that isn't overly abundant. In that case, it was corn, and we saw our dairy farmers and our feeders of beef cattle and hog farmers begin to be concerned about the high price and the high cost of that import because corn had been shifted from the feedlot to the distillery to produce ethanol. We are continuing to encourage that.

One of the things we will do with a renewable fuels standard in the farm bill is begin to shift that equation to stabilize the use of the inputs to produce ethanol. Right now, ethanol is produced by corn almost exclusively in this country, and many of us believe with the new science that is coming, with the new loans and guarantees that

are coming out of the Energy Department because of the Energy Policy Act we passed in 2005, we will begin to see a shift toward a combination of ethanol fuels, both corn-based and cellulosic-based. Cellulose, fiber, not only could it be the grain of the corn itself producing, but it could become the ear of the corn and the stock of the corn and grasses and other kinds of fibers where cellulose is dominant but could become a major producer.

In the Energy Act the Senate passed this year that went to the House—and the House largely destroyed it by trying to use it as a taxing mechanism more than a production mechanism—we had placed in it a renewable fuels standard that did the combination of things I am talking about. We said we could take corn up to about 15 billion gallons a year, and we could take cellulose-produced ethanol up to about 15 billion gallons a year by the year 2020, and by the year 2022 we would add another 6 billion gallons of cellulose-based ethanol as that science, as that technology began to be increasingly more efficient and refined.

Here is a reason why we would want to do that. Right now, corn-based ethanol only reduces the output of CO_2 into the environment by about 19 percent, compared with conventional fossil fuel. It is a help, but it is not where we want to be if we want a clean world out into the future. I know a lot of farmers and I have always said in my life that farmers are probably the finest environmentalists in the world because they are phenomenal stewards of the land, and they want to make sure the land is viable and the water around it is sustained. They want to produce a better quality product.

What we are suggesting is that we increasingly shift the equation in America agriculture, in its participation, in the production of energy, to make us more energy independent and help us find new and cleaner sources. In the end, when we shift this production portfolio of ethanol from corn-based to cellulosic, in the outyears—25 or 30 years out—cellulosic-based ethanol fuel will be 86 percent cleaner. That is what we want. That is what we ought to ask for.

That is why, for the first time, at least in my time in the Congress, America's farm bill, America's agricultural policy, is, in part, an energy policy because agriculture is looking at not only its input costs of energy but its opportunity to produce energy. There are a lot of other things I could talk about as it relates to taking biomass and animal waste and converting them into energy. All of that is starting to happen. But the big production—the production that makes the difference, the production that makes America and America's energy consumers more independent from a Venezuela or from the Mideast—is this right here: ethanol, both corn-based and cellulosic. That is what we are about. That is what we have to be about as a country.

There is every reason for the American consumer to say: Why can't we be energy independent? We should be. But our policies have not taken us there. In part, it is because I think we didn't think we could get there but largely because there was all kinds of bias out there in the whole energy arena. The bias is quite obvious. We all like big cars, we like our SUVs, and we all like what we like—until we cannot afford liking them anymore because the cost of feeding them has gone up dramatically. That has helped us a little bit to develop changes.

For the first time this year, I introduced a bill, with Senator DORGAN, to have mandatory CAFE standards. The auto industry was quite upset with me. I have always defended them not changing that standard. I have been here 27 years and we have not changed the standard in 27 years and they have not changed. I wish to change that standard and force the American marketplace and the American producer to look at what can happen if they become more realistic in auto consumption efficiency. Oh, what a difference a day makes when a car gets another mile or two to the gallon nationwide in the consumption of oil. So it is a balancing part, a total picture, the big portfolio of production.

I will be back to the floor all during 2008 talking about energy independence, talking about drilling offshore, talking about ethanol, cellulosic and corn-based ethanol, talking about all the kinds of things America must do to get independent of foreign sources of energy and to get clean. My children, who are all adults now and are pretty conservative folks, say: Dad, why can't we produce clean energy? Why can't we be energy independent? Why are we allowing a dictator in Venezuela to jerk us around?

What is wrong with this great country that we cannot do for ourselves what we have always done for ourselves—stood up and be counted and be independent and strong, and we can. America's farmers now, for the first time, have a phenomenal role to play beyond putting food on the consumers' shelves, which they have done so beautifully for 200 years. Now they have a role to play of putting fuel in the fuel tank. We ought to encourage that in every way but balancing the policy, as I think this final bill will do, to make sure we don't distort the markets, that we allow them to grow responsibly, that we allow them to work their way into a 15-billion-gallon-a-year production of corn-based ethanol and, by 2026, a 15- to 20-billion-gallon-a-year production of cellulosic-based ethanol. It is doable. We know how to do it. We are putting programs into place to promote it and advance it.

America's auto fleet will adjust to it, and America will be a stronger Nation. But more importantly, it will be an independent Nation from the small countries who have, underneath their geologic strictures, large bodies of oil they now see as tools for diplomacy, tools to shape a world, and tools to control this great country called America.

I will be back next week, along with my colleagues, to make new changes in the farm bill. S. 2302 is a good work product. I am pleased that finally the majority leader of the Senate has said: OK, put it on the floor and let it work its will. By the end of next week, we will have a farm bill. It is about a month late. That could have happened a month ago. It will happen now. I guess patience counts. Many of us have been patient. America's farmers need a new farm bill, and I believe the Senate Agriculture Committee has done a worthy job in producing it.

The RFS that was included in the Senate passed Energy bill this summer, and that was similarly filed as an amendment to the farm bill, reduces our dependence on foreign oil and reduces our carbon footprint, by emphasizing the importance of developing cellulosic biofuels. The RFS is, by definition a clean fuel standard, and the House has offered some additional language which endorses this low carbon fuel approach. This week in the Environment Committee we marked up a climate bill that seeks to regulate fuels with a cap on all emissions, including transportation. At the markup, Senator ALEXANDER offered an amendment that is now layed on top of having fuels already covered under a ''cap and trade'' program by subjecting them also to a low carbon fuels standard. I and other members of the minority strongly opposed this amendment because it was offered in addition to the cap-and-trade, rather than as a substitute, which would have made much more sense, so as not to double-regulate the industry. In addition, however, and most importantly it also conflicts and overlaps with what we are now doing as part of the Energy bill and the farm bill as it relates the Senate RFS language, and certainly raises serious questions of jurisdiction. Senator ALEXANDER indicates that he supports a sector approach, as do I, and I hope we will be able to move in this direction together.

Trading carbon credits between transportation sector fuels and other industry sectors is unprecedented and could lead to high fuel price volatility, supply issues including possible disruptions, and a level of market uncertainty that could discourage critically needed investment in new and innovative technologies. The EU–ETS has not included transportation fuels in its cap-and-trade program for stationary sources for this very reason. The U.S. transportation and electric power sectors are subject to very different national and international market forces and forms of regulation. Mixing these two dissimilar markets under a common cap can lead to unpredictable and potentially intractable conflicts in how each market will respond to this untested economic combination.

Studies conducted by the Energy Information Agency and the University of California on economy-wide cap-and-trade programs show that carbon reductions are less cost-effective in the transportation sector as compared to other industry sectors. Mixing transportation fuels with other fossil fuels under a common cap simply raises the cost of transportation fuels without a guarantee of significantly decreasing their carbon emissions, at least until much more cost-effective options have been exhausted for reducing emissions in other sectors. Studies by EIA indicate that this will generally not occur until after 2030.

There is a better approach for technology development for advanced transportation fuels. Technology development is driving a separate lower carbon transportation fuel standard rule that is being developed by the administration and expected to be proposed later this year. The bill should have a separate approach for transportation fuels that recognizes the confluence of these policies to ensure this sector is not subject to overlapping or conflicting requirements.

I am concerned that the fuels amendment offered by Senator ALEXANDER during committee markup conflicts with provisions regarding low carbon fuels and the renewable fuels standard that are already included in the Energy bill now being considered by the House and Senate. Cellulosic ethanol is key and will substantially reduce the carbon content of fuels and this is included in the Renewable Fuels provisions. The Alexander amendment overlaps, and is conflicting and also raises questions regarding fuels jurisdiction with the Senate Energy Committee. In addition, the amendment develops a low carbon fuel standard that is fundamentally flawed and well beyond the bounds of current technology and science. Developing and advancing technology, not mandating a ''wish list,'' is a superior approach to meeting the challenges of providing affordable and clean fuels that American consumers need.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed as in morning business for up to 10 minutes.

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

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

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. What is the present business of the Senate?

The ACTING PRESIDENT pro tempore. The Chambliss amendment to the Harkin substitute is the pending business.

Mrs. LINCOLN. Mr. President, I am very proud to come to the floor again to discuss and debate and talk about something that is critically important to this country, the working families of this country, and to the well-being of the entire world, frankly, and that is the Food and Energy Security Act of 2007.

Much has already been said, and I know that as we progress through the rest of this week and next week, there will be much discussion about what is the best way to proceed with the Food and Energy Security Act.

Having looked back at what we did in 2002, we worked hard to be more focused on how we could do a better job in this country of providing the kinds of support and safety net that producers in our Nation needed, so they could be competitive in the global marketplace but also encouraging the appropriate and proper way of production in this country, as Americans would want to see; not only making sure there is an abundant source of food and fiber in this country but that it would be produced in a safe way to the environment, safer to the consumer, and that it would be affordable so our farmers would be the most efficient they could possibly be. We took a big step in 2002 in producing a bill that moved us very much in that direction.

As we look at what we have done in the Senate Agriculture Committee, I am very proud of the product that the committee has produced and brought to the floor in Senator HARKIN's amendment. A lot of time and energy was put into that committee bill to ensure we maintain the enormous blessing in this country that is American agriculture, the hard work that goes into American agriculture from hard-working families, the farm families, the businesses that support them, the rural community that supports them, to be able to produce the most affordable, abundant, safest supply of food and fiber in the world. That is what our American farm families do. They do it very proudly, they do it very distinctly, and they do it very differently in each region of this great country.

My message today is the same as it has been for weeks and months and the years I have served in both this body and the other. That is, we have an opportunity to reinforce those farm families, to reinforce the values we feel as Americans, that not only do we want an affordable supply of food and fiber, we want it to be safe for our families and for those we share it with globally, and we want to make sure we are doing that with respect to the environment. Through the years, we have expanded this bill to make sure it is obvious we want to do that in the nutrition programs, in the conservation programs, in the rural development portions of the bill, and now in a new energy title we started in 2002, to show our commitment to American agriculture and what it does, not just for the farmers, not just for the farm community, not just for the children and the families whom we feed in this country but globally, in terms of what we do in feeding these who are hungry and also pushing the envelop a little bit each time with our competitors globally that they, too, will produce in a responsible way toward the environment.

Our message today is this is a good bill. This is a good bill that has been produced in the Senate Agriculture Committee, and we need to pass it.

The farm bill does so many good things that I have already discussed and about which many of us will continue to talk. Our investments in nutrition are tremendous, conservation, rural development, energy programs—they have all been dramatically increased and will benefit our country greatly.

Take nutrition as an example. I know how important nutrition is in our lives from looking at my own children and my own family but particularly in working families, the poorest among us whom we need to put first, and we need to make sure we are acting responsibly.

I was pleased to see in the committee bill that we provide an additional $5 billion in increases in programs targeted at reducing food insecurity. Can we do better? We are going to work hard each and every year to do better, but that is a great start toward where we can be.

With respect to conservation, Chairman HARKIN and many other Members—I know my State is a huge user of the conservation programs—the chairman has been a tireless advocate for conservation programs, and I am pleased that once again he has produced a bill that assures progress in this area. It ensures we are the best stewards of the land that anyone can be globally and that we will leave our children the environment they deserve, that we will try each time to do better, but in conservation dollars, the 4 billion-plus extra dollars we have put into conservation are meaningful in terms of what we have achieved in this bill.

With respect to rural development, broadband is such an incredible tool in rural America. Senator STABENOW and I have worked together and had a hearing not too long ago with telecommunication folks from all across the country as to how do we get rural America connected to the rest of the world, how do we ensure they are connected, whether it is for the educational benefit, whether it is the economic development they need but making sure they have access.

In this bill, through broadband and some of the other rural development programs—we find, unfortunately, that disproportionately people in rural areas are lower income, particularly our seniors—nutrition programs that exist but also the delivery mechanism, the community programs that deliver those nutritious meals to our seniors, many of those are supported by community development that comes through the rural development section

of this bill, all very critically important, whether it is economic development, caring for individuals in rural America, health care and the advancement of health care, technologies—a whole host of things we do in rural development.

On energy, my colleague, Senator CRAIG, brought up the issue of reducing our dependence on foreign oil and how important it is. It is critical. It is critical we become more dependent on ourselves for the energy we need and we are responsible in how we do that—responsible to the environment, ensuring that the renewable fuels we can invest ourselves in are the fuels that will take us through the 21st century, not just through the next 5 years.

We begin in this energy title of this farm bill to see those renewable fuels that are going to make a difference in lessening our dependence on foreign oil and also cleaning up our environment. Look at what else they do. They provide a secondary market for our producers so we are not as hemmed in and dependent on the global marketplace but that we once again begin to depend on ourselves and that we give those secondary markets to our farmers so they can be competitive, continuing to provide a safe, abundant, and affordable source of food and fiber but also at the same time marketing their crops in a way they can also draw from that, whether it is the cellulosic value and others, but an energy source that will make us independent.

Most importantly to me as the mother of twin boys, the farm bill does something I think we should all be very proud of, and that is what I mentioned earlier. It ensures us of a safe domestic food supply that is the envy of the world. Yes, we want to share it with the rest of the world, but we also want to make sure our children, our families have the confidence that when they are able to get the products from this country, grown by the responsible farm families of this Nation, that they can be assured of the safety of those foods.

Many of my colleagues and most, if not all, of the media seem to take a lot of that for granted, unfortunately. One day they are reporting about the dangers our Nation is facing with unsafe foods that are entering the country or the atrocities of outsourcing jobs and what that means to working families, and then the next day they are on the floor or on the front page of the paper or in the news on the television criticizing farm programs, our agricultural programs that allow us to ensure that safe and affordable supply of food for our children and our families.

The overall farm bill budget is one-half of 1 percent of the whole budget. But if you look at the portion of this bill that provides the safety net to our producers so they can stay in business, so they can stay competitive with the growers all across the globe who don't meet those environmental regulations, who don't meet those safety regulations, who are not meeting the kind of regulations we put into place to make those safety assurances, 15 percent of this farm bill—only 15 percent—is what we use in those safety net programs. That is a huge return on our money. That is a small investment to be assured that when our families go to the store, the grocery store shelves are not empty or, when we serve those foods at our table, that we are assured of the safety of our children and our families in what we are bringing to that table.

It is amazing to me as we see, again, all the confusion about the unsafe imported foods and what we have there and the same people who are worried about that who criticize these farm programs. Yet if we don't provide those safety net programs, there is no way we can keep that production at home unless we block our markets to the imports from other countries, which we have done in some commodities. But in the sustenance of life, if you go down to the Botanic Gardens, you will see a display that talks about rice and wheat and these types of grains that are the staple and the sustenance of life.

If we can't produce those competitively in this country, we will lose ourselves to other countries and their production, which again is not done in the safe and reliable way that we do.

The level of disparities, in terms of global agricultural trade U.S. farmers face abroad—I know from my standpoint as a region where rice is a big crop for us because we are suited to grow rice. It is an expensive crop to grow, but we are suited to do that and our farmers do it more efficiently and effectively than any farmers on the globe. Yet we are shut out from trade agreements and markets all across the globe. Yet our markets are open to them and to their commodities.

We are a very diverse nation. Our crops are different in each region of our country, and that is something we should be proud of, that our Nation is so large and so productive and so fruitful that we can produce all those diverse crops from across this land of ours. For that reason, we have several different programs to support individual commodity needs. I am very proud of that diversity and I am proud to support initiatives for farmers all around our country. I fight for the ones who are important to the farmers and producers in my region, but I also know farmers in other parts of the country are important, too, whether it is the production of milk or sugar or other types of crops that we don't grow as well in our region. But I don't just support those that are programs for me. I support those programs because I believe that as a team, as one country we must support the programs that produce all of these incredible commodities that we enjoy in this country.

I have also fought hard to ensure that American agriculture gets the respect it deserves in the world marketplace because, as the Budget chairman has pointed out with his now very famous charts, the world market for our farmers isn't free or fair.

My message is simple: We should meet our global competition and we should not unilaterally disarm our farmers in the global marketplace. We have worked hard in this bill to bring about reforms people have clamored for, but if we want to go in the direction of my colleague from Minnesota, Ms. KLOBUCHAR, and to unilaterally begin to disarm some of our growers, it is not to say we don't want reform—there is tremendous reform in this bill—but to say we are not going to look at the diversity of production and how commodities are produced in this country and we are not going to understand that each of those has to be a little bit different.

She talked about how important it is for these reforms and the reforms we have in the bill. That is good. She wants to go one step further. But we need to stop and think how dangerous is that next step and does it throw out hard-working families who have made huge investments.

To farm 1,000 acres of cotton, you have to take out a $5 million operating loan. That is a big chunk to sign your name to. If you are a hard-working farm family and you don't know what is going to happen this year, you may have lost a good bit last year, you may lose some more next year, you may have a profit this year, but to sign your name on a $5 million operating loan for a 1,000-acre farm which is not that much if you are going to try to recoup and make a little money that year is a tough decision to make. Oftentimes, it means sharing your risk with other people. Maybe it is family members. But that is critically important for us to remember in terms of the diversity of this country.

You know, it is an unfortunate reality that our global agricultural competition is heavily subsidized—more subsidized, certainly, than we are—and their markets are closed to the agricultural goods that my State produces particularly. Certainly, we have to negotiate those in trade agreements. But when my commodities are completely shut out of the markets in other countries and yet our markets are open to their goods, I have a huge disadvantage from the very get-go, not to mention the subsidies that might be provided or are provided particularly to the developed countries across the globe.

As a result, we have grown our operations in our States because we don't have a lot of those protections in trade to create an economy of scale that allows us to be competitive. If we are not careful, with the tighter payment limits that are being talked about and certainly the AGI limits that the Senator from Minnesota mentions, we are going to make our producers of staple commodities, such as rice, less competitive internationally. When we put them out of business, they are not going to go to another area of our country. They are not going to go grow their rice in Indiana because the environment is not

suited for that. They are probably not even going to go to Maryland to grow their rice. What we are going to do is end up with our markets open, importing that staple commodity from countries that don't regulate how it is grown or don't care what types of fertilizers or water sources they use in farming that commodity.

Mr. President, I didn't invent global subsidies in agriculture, but I am committed—I am very committed—to ensuring that the Senate helps our farmers meet the kind of global competition they see. To not do so will simply result in an outsourcing of our food supply and our jobs in rural America.

Within the WTO negotiations, we have asked our trading partners to reduce subsidies and their tariff levels on U.S. agricultural products we are shipping. What we have said is we will come down further and we will come down faster in our subsidies. But the response from the rest of the world has been abundantly clear. They have continued to say to us: No, thank you, America. We want you to bring yours down, but we are not going to bring ours down. We have to maintain a domestic supply of food. You go right ahead and lower your subsidies, and we are going to hang on to ours because it is really important to us.

Well, for the first time in the history of this country, a trade deficit in agriculture is being predicted for the next couple of years. We need to stand up and say what those other countries are saying, and that is that it is very important to us as well.

Here at home, I have heard some of my colleagues and most media outlets say that we need to lower the caps on programs. And we went around to talk to folks, after seeing what the 2002 farm bill did, how productive it was in terms of the savings that were realized, which Senator CHAMBLISS mentioned. We did what we heard people were looking to see happen, and the committee bill lowers the overall caps from $360,000 to $100,000 for individuals—$100,000, Mr. President.

We also heard that we needed to address the loopholes that allow producers to avoid the caps, and the committee bill eliminates both loopholes most frequently cited; that is, the three-entity rule and the generic certificates—two things people have tried to abuse in the past. They were very necessary tools, in many instances, for hard-working farm families who used them correctly, but there was room for abuse, and so we eliminated them. We eliminated them because people wanted good reform in this bill.

I heard we needed transparency, so the committee bill added direct attribution, which will track payments directly to an individual farmer, direct attribution so you can follow that payment. But remember that this is only applicable to the commodity programs, the three commodity programs that are most used—obviously, the direct payment, the countercyclical, and the marketing loan. This doesn't include some of the other specialized programs we have developed for specialized commodities, such as the Milk Program or the Sugar Program or the ethanol tax programs and conservation programs, for instance. So we haven't done this across the board; we are just focusing on a few of our growers—not a few, probably the majority in terms of grains, but the commodity programs that are the most traditional.

We also heard that we needed to disqualify millionaire nonfarmers walking around Fifth Avenue or Hollywood, and again my colleague from Minnesota continues to bring those up. So in the committee bill, we moved the adjusted gross income means test from its current level of $2.5 million to $750,000 despite the fact that a recent GAO report brings to us the information that this administration isn't policing the current payment limit regulations effectively. I would be willing to bet that the millionaire real estate individual whom Senator KLOBUCHAR continues to bring up in her debate probably is certainly covered under the existing committee bill but more than likely under the existing law, quite frankly. The problem is we are not seeing those payment limits that exist being implemented by this administration. Well, what good is it to go ahead and implement even stricter rules if we don't even implement the ones that are existing? And if it is not something that he is already breaking the law on and the rule should be implemented on—it is probably the Tax Code, for some reason. But the fact is, we all want to ensure that hard-working farm families across this country are going to get the support they need, that they are going to get the safety net they need in whatever the particular crop is they grow in a sound way.

It is interesting as well that when we talk about the GAO study and the implementation of these restrictions that exist, so many of the stories we hear are about individuals, maybe celebrities or what have you, who are maybe getting a conservation payment. Well, they are not going to be corrected by this amendment because we don't extend this AGI test to everybody. They are just targeting it to one specific group. I would beg to differ that there are a lot of things. Does that mean we are going to say to large medical practices: We are going to give you an AGI means test before we are going to allow you to accept Medicare payments. If you are over the AGI means test, you are ineligible for Medicare. I don't think we are going to do that, and we are talking about sustenance of life. We are talking about keeping our farmers competitive in the global marketplace.

My sincere hope is that the committee bill will be seen as what it is—a tremendous good-faith effort on my part and a host of other members in the Senate Agriculture Committee to address concerns and to recognize that this is the most significant reform in the history of farm programs. We have done a tremendous job in dealing with both what Senator DORGAN and Senator GRASSLEY wanted to do as well as what Senator KLOBUCHAR wants to do in reining in some of those things. You can safely say to anybody that there is more reform in this bill than we have ever seen.

Mr. President, I am enormously appreciative of this time we have now to debate what the farm bill does for this country and what it does for farm families all across the Nation. I know it is not particularly glamorous. I know for a lot of Members it is not a lot of fun to talk about the farm bill. It is not a glamorous something that is intricate and detailed in terms of what they can take home and talk about, and yet it is intricate and detailed. It is very complicated.

The programs we have designed to provide the support for our growers, the safety nets that still meet the kind of guidelines in our trade agreements and a whole host of other things are very difficult to understand. A lot of times, Members don't want to take the time to understand them. They do not want to understand the differences that are affected to all the different regions and all the different growers, but it is critical. We have come to a critical time in our Nation's history that we have to recognize how important this bill is.

I think many of us on the Agriculture Committee are not there necessarily just because somebody put us there, but we are there because we asked to be there. We asked to be there because we know how important it is to our States and we know how important it is to this country.

We, as a country, are fortunate. We are very fortunate to have this bounty, and I am not going to let anyone in this Senate Chamber forget that. I may drone on and on, but it is critically important, whether it comes from me as a Senator who represents an agricultural State, whether it is me, a daughter who grew up on a farm in an agricultural operation and saw all of the unbelievable dilemmas, whether it was weather or trade or farm programs or whatever, all of the things that agricultural farm families are up against and that they have no control over, or whether it is me as a mother looking into the 21st century and knowing how critically important it is not just that our children of today will have the opportunity to farm or to carry on that legacy but that the children of all American families will have a safe and abundant and affordable supply of food.

There are multiple reasons for every one of us to get excited about this bill, and I hope we will. So I am hoping that no one in this body will again take for granted this enormous bounty we have, what it does for us, and what it does for foreign lands as well, the peoples all across this globe.

I appreciate the time now, and I look forward, as we move ahead, to reminding my colleagues that we have done tremendous reform in this bill. We have done tremendous reform. Most of it is levied on farmers who come from my region. A lot of that reform is not extended to other regions of the country. And that is okay because my farmers are strong, and they are proud of who they are and what they do, and they are going to be willing to lead the charge in terms of reforms. But I do say that as we look at the bill we have produced, it is a good, balanced bill. We have made huge investments in things that are important to us and the values we hold as Americans, and we have made a huge step in terms of the reforms that make a difference to many Americans, and we are doing it as efficiently and effectively as we possibly can.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Montana is recognized.

ENERGY BILL TAX PROVISIONS

Mr. BAUCUS. Mr. President, I very much appreciate the statement of my good friend from Arkansas, Senator LINCOLN. I am also very happy we are on the farm bill. It is a long time coming. We have finally worked it out. I do think American farmers and the industry will basically be happy, frankly, when we finally do pass this farm bill, hopefully next week.

While we are here, though, I want to address another subject, and that is the tax package in the Energy bill. Not too long ago, a month or two ago, when the Energy bill was before the Senate, there was a tax package as part of that Energy bill. It was voted on and did not get cloture. There were 58 Senators who voted for it. It was clear that Senators were absent, and had they been back here in the Senate, they would have voted for it and we would have invoked cloture on that and it would have become part of the Energy bill.

The tax title has strong support. When we brought it up in the Finance Committee, it passed by a vote of 15 to 5. And again, on the floor, there were at least 58 Senators who voted for it. I am quite confident 60 would have voted for it had they all been present.

We are now faced with a larger energy bill which includes CAFE renewal portfolio standards, fuel standards, as well as a tax title, and I wish to remind Senators how important this tax title is and how important it is to the Energy bill. We have an obligation as Senators to help make our country as energy independent as we possibly can, for a whole host of reasons.

One, clearly, is for national security. Our future is somewhat in the hands of people in other parts of the world—OPEC countries, Venezuela—and that is not good. With oil prices today as high as they are, that is clearly not very good. We want to be in control of our destiny as Americans as much as possible, and energy is such a key component that we should do whatever we can to help make ourselves more energy independent. The CAFE provisions in the bill go a long way in that direction.

Some of the other provisions in the bill also help, but the tax title, I daresay, goes as far as any other part of that bill to help make us energy independent. When that bill was before the Senate some time ago, it was about $32 billion. Again, that would have gotten 60 votes here in the Senate had all Senators been present. We now have scaled that back significantly. We cut it back by a third. So it is now about $20 billion. So the tax title that is in the Energy bill is about one-third less than the tax title that was in the Energy bill months ago, which, as I mentioned, got almost 60 votes.

I would like to remind Senators what some of those provisions are and why it is so important that we pass the tax title.

First of all, it is a minor matter to some, but it is pretty significant to others; the CAFE provision itself will cost about $2 billion out of the highway trust fund. That is $2 billion fewer dollars that will go into the highway trust fund as a consequence of the CAFE standards. Our highway trust fund is already in trouble. We need to add more to the trust fund if we are going to rebuild our Nation's roads and bridges. The tax title now includes about $2 billion to replenish losses to the highway trust fund that would otherwise occur because of the CAFE standards. We have to get that $2 billion back into the highway trust fund to pay for our roads and bridges. That is not well known, but it is part of the tax title. It is important.

In addition, there are some renewable provisions, so-called section 45 credits for electricity from wind, biomass—that is a 4-year extension. We need that. I need not tell you the number of times all of us have heard from energy people around the country—whether it is renewables, whether it is alternative forms of energy, biodiesel, clean coal, cellulosic—people need lead time, investors need lead time. They want to invest in these technologies. It will make America more independent. But we need to have these provisions in the law so investors can know what the tax provisions are, what the incentives are, and how long they are going to be in place. If we don't pass the tax title, we are going to dramatically cut back on investors' willingness to invest in biodiesel, alternative forms of energy, other renewable forms of energy. I mentioned cellulosic—and others.

It is imperative those provisions be available so we can help make ourselves more independent.

Commercial solar extension, that is in the tax title. It is an 8-year extension of the business solar credit. We all know we need solar energy. Add to that clean renewable energy bonds. What is that? Those are basically ways for nonprofits, whether it is counties, co-ops, or Indian tribes, also to develop clean renewable energy. The private sector can do it, for-profits can because they get a tax deduction. This provision enables nonprofits, that is the counties, municipalities, co-ops also have that available to them.

Residential solar credit—I mentioned the commercial solar extension. There is also a significant residential solar credit in this legislation.

Clean coal projects—half of the power we are consuming in America today is generated by coal. We all know that coal is very important to generate energy. We all know coal is part of the climate change problem. But we need to have clean coal technologies. This tax title has about $2 billion worth of clean coal technologies, so we can help make ourselves more independent but in a way that is totally compatible with climate change.

Cellulosic ethanol—there is a credit in this tax title for cellulosic ethanol so we can make fuel from switchgrass, wood chips. Again it doesn't take a rocket scientist to know why that should be enacted this year.

Biodiesel, renewable diesel—there is a credit there that extends that through 2010.

There is the plug-in hybrid credit. We all see these hybrids driving around, but there is no way to plug them in to get them recharged. The thought is, if we can have plug-in credits so the hybrid cars can be driven into your garage and plugged in, that is going to extend the battery life of those hybrids. That will enable them to get close to 100 miles a gallon. If we had more cars getting 100 gallons a mile, we would be doing pretty well as we become more independent.

The commercial buildings conservation credit helps commercial buildings install conservation provisions to save energy.

To add it all up, there is a lot in here. It is extremely important. We have an obligation to help make ourselves more energy independent. These are provisions that do so but also in a way that is compatible with climate change. If we enact this tax title, it will lay the foundation for lots and lots of entrepreneurs, with lots of new ideas, to develop all kinds of new ways to develop energy. Let a thousand energy technologies bloom. We are not saying which technology works better compared to others, but at least let's get these provisions in place so entrepreneurs and developers and investors who want to make a buck—this is the American way—are given an opportunity to make a little money while producing some energy in the United States. We are going to accomplish lots of objectives with one provision in this Energy bill.

I am working with my colleagues, if they have any objection to this tax title, to figure out a way to modify it to make it work. Our goal, frankly, is, together in the Senate, to become more energy independent. This tax title will go a long way to make that happen.

I thank my colleague from Montana who is presiding, the only Senator on the floor but for two others. We will make this work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3687 TO AMENDMENT NO. 3500

Mr. CHAMBLISS. Mr. President, on behalf of Senator CORNYN, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 3687.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. CORNYN, proposes an amendment numbered 3687 to amendment No. 3500.

Mr. CHAMBLISS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund)

Beginning on page 1391, strike line 24 and all that follows through page 1392, line 7, and insert the following:

''(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to the excess of—

''(A) 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States, over

''(B) the sum of any amounts appropriated and designated as an emergency requirement during such fiscal years for assistance payments to eligible producers with respect to any losses described in subsections (b), (c), (d), or (e) of section 901.

Mr. CHAMBLISS. I ask unanimous consent the amendment be set aside.

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

Mr. CHAMBLISS. Mr. President, I see she has left the Chamber now, but to my colleague from Arkansas, who has been such a great fighter for farmers and ranchers all across America for all my years in the Congress—and I had the privilege of serving with her in both the House and the Senate—I associate myself with her earlier comments. She is dead on target when it comes to not just the issue of payment limits, which she spoke a lot about, but the issue of the underlying bill, the substance of this bill and the benefits of this bill to farmers and ranchers all across America. I appreciate her great work. In a bipartisan way, she and I have worked on virtually every part of this bill. She is a true champion for the American farmer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WEBB). Without objection, it is so ordered.

AMENDMENTS NOS. 3807, 3530, AND 3632 TO AMENDMENT NO. 3500, EN BLOC

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment and call up amendments Nos. 3807, 3530, and 3632 on behalf of Senator COBURN, en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for Mr. COBURN, proposes amendments numbered 3807, 3530, and 3632, en bloc.

Mr. CHAMBLISS. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3807

(Purpose: To ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on casinos, golf courses, junkets, cheese centers, and aging barns.)

On page 1362, between lines 19 and 20, insert the following:

SEC. 1107__. EXPENDITURE OF CERTAIN FUNDS.

None of the funds made available or authorized to be appropriated by this Act or an amendment made by this Act (including funds for any loan, grant, or payment under a contract) may be expended for any activity relating to the planning, construction, or maintenance of, travel to, or lodging at a golf course, resort, or casino.

Strike section 6023.

Strike section 6025 and insert the following:

SEC. 6025. HISTORIC BARN PRESERVATION.

Section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o) is amended—

(1) in subsection (c)(4)—

(A) by striking ''There are'' and inserting the following:

''(A) IN GENERAL.—There are''; and

(B) by adding at the end the following:

''(B) LIMITATION.—If, at any time during the 2–year period preceding the date on which funds are made available to carry out this section, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency—

''(i) none of the funds made available to carry out this section shall be used for the program under this section; and

''(ii) the funds made available to carry out this section shall be—

''(I) used to carry out programs that address the agricultural emergencies identified by Congress or the President; or

''(II) returned to the Treasury of the United States for debt reduction to offset the costs of the emergency agricultural spending.''; and

(2) by adding at the end the following:

''(d) REPEAL.—If, during each of 5 consecutive fiscal years, Congress has provided supplemental agricultural assistance to agricultural producers or the President has declared an agricultural-related emergency, this section is repealed.''.

AMENDMENT NO. 3530

(Purpose: To limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.)

At the appropriate place in title XI, insert the following:

SEC. _____. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 1 program year (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

AMENDMENT NO. 3632

(Purpose: To modify a provision relating to the Environmental Quality Incentive Program)

On page 394, after line 25, add the following:

(d) INCOME REQUIREMENT.—Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) (as amended by subsection (c)) is amended by adding at the end the following:

''(i) INCOME REQUIREMENT.—A producer shall not be eligible to receive any payment under this section unless not less than 66.66 percent of the average adjusted gross income of the producer is derived from farming, ranching, or forestry operations, as determined by the Secretary.''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. HARKIN. Mr. President, it looks as though we have no other amendments to be offered to the farm bill at this time, so I ask unanimous consent that the Senate now proceed to a period of morning business for the rest of the session today, with Senators being permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

GOVERNMENT DESTRUCTION OF EVIDENCE

Mr. DURBIN. Mr. President, this morning, newspapers across America reported that the Central Intelligence Agency and other intelligence agencies have destroyed evidence, videotaped evidence of the interrogation of prisoners. It is a startling disclosure. The United States of America, a nation where the rule of law is venerated, has now been in the business of destroying evidence, evidence of a very sensitive nature, evidence which clearly should have been protected for legal and historic purposes.

The late historian Arthur Schlesinger said this about this administration's legal defense of torture:

> No position taken has done more damage to the American reputation in the world—ever.

We have been tested since 9/11 as a nation, tested in our resolve to protect America, but also tested in our commitment to the values we hold dear.

A time of war and a time of insecurity is a time of the greatest testing. Many Presidents, even great Presidents in the past, have failed that test: President Abraham Lincoln during the Civil War suspending habeas; during World War I, serious questions were raised about the patriotism of those who did not agree with our Government; during World War II, under the administration of perhaps our greatest modern President, Franklin Roosevelt, Japanese internment camps that became a national embarrassment; during the Cold War, our enemies list and the McCarthy hearings; all things that we look back on now and realize do not reflect well on the United States and certainly do not reflect our values.

Now, this administration, this war on terror, this treatment of prisoners and detainees, it comes to our attention almost on a weekly basis that, sadly, some have crossed the line. Every week there is a new revelation about how the administration has engaged in activity that is not consistent with American laws or values when it comes to the issue of torture.

In this morning's paper, CIA officials disclosed they destroyed videotapes of detainees being subjected to so-called enhanced interrogation techniques. We do not know what those videotapes included.

There was a period of time when the Bush administration had decided to cast away the international standards of conduct, the Geneva Conventions that we have been held to and proudly displayed for decades. This administration redefined torture. Through a memo that has now been made public, we know they reached extremes, which eventually even they had to repudiate.

The CIA has also reportedly withheld information about these videotapes from a Federal court and from the bipartisan 9/11 Commission.

Today I am sending a letter to Attorney General Michael Mukasey calling on him to investigate whether CIA officials who covered up the existence of these videotapes violated the law.

In a statement yesterday, GEN Michael Hayden, the CIA Director, acknowledged the tapes were destroyed, and stated:

> In 2002, during the initial stage of our terrorist detention program, CIA videotaped interrogations, and destroyed the tapes in 2005.

The New York Times reported today that:

> The tapes were destroyed in part because officers were concerned that video showing harsh interrogation methods could expose agency officials to legal risks, several officials said.

Now, the defense of the CIA is that they wanted to protect the identity of those CIA employees who were engaged in the interrogation. That is not a credible defense. We know that it is possible and, in fact, easy to cover the identity and faces of those who were involved on any videotape. Something more was involved.

The CIA apparently withheld information about the existence of these videotapes from official proceedings, including the bipartisan Hamilton-Kean 9/11 Commission and a Federal court. According to Philip Zelikow, the Executive Director of the 9/11 Commission and formerly a high-ranking official in the Bush administration:

> The Commission did formally request material of this kind from all relevant agencies, and the Commission was assured that we had received all of the material responsive to our request. No tapes were acknowledged or turned over, nor was the commission provided with any transcripts prepared from recordings.

CIA attorneys told the Federal court hearing the case of Zacarias Moussaoui that videotapes of detainee interrogations did not exist. This was a statement by our Government to a court involved a very sensitive and important case.

The Justice Department has now acknowledged in a letter to the court that this was not true. Courts of America were misled by the Justice Department about the existence of this evidence.

CIA Director Hayden asserts the videotapes were destroyed ''in line with the law.'' But listen to what the Federal obstruction of justice statute says:

> Whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

That is what the Federal criminal statute says. It is not my role or Mr. Hayden's role to determine whether the law was violated. That is the responsibility of the Department of Justice. That is the responsibility of the Attorney General, Michael Mukasey.

As Mr. Zelikow said:

> The executive branch and Congress need to decide how much they care about this question. If they want to get to the bottom of it, it's pretty easy for people to dig up the relevant records and answer the questions that either officials of the executive branch or the Congress could pose.

This is the first real test of Attorney General Michael Mukasey. I hope he will do the right thing.

What is at stake goes to the heart of the rule of law and justice in America. If our Government can destroy evidence, can misrepresent to our courts whether that evidence ever existed, if it can attempt to cover up wrongdoing, that goes way beyond the standards of justice and the values of America.

This disclosure of the destruction of those videotapes goes to the heart of who we are as a people. I do not know what was on those tapes. It was clearly something very troubling or they would not have been destroyed. I do not even know if it was incriminating, but we have a right to know. In America, everyone is held accountable, including officials at the highest levels of our Government.

It is time for this Department of Justice to turn the page from an era when we were engaged in a new definition of torture, a new definition of whether the Geneva Conventions were applicable, and bring us back into the rule of law, into those standards of conduct which have made America proud for so many generations.

Today I will be sending a letter to Attorney General Mukasey calling for an official investigation of whether there was destruction of evidence and obstruction of justice in the destruction of those videotapes on the interrogation of detainees. This is not an issue that can be ignored.

TRIBUTE TO REYNALDO P. GLOVER

Mr. DURBIN. Mr. President, I come to the floor today to pay tribute to a champion of African-American advancement, Reynaldo Glover.

A lawyer by training, Glover had a knack for business. In 1994, he became general counsel of TLC Beatrice International Holdings, later known as TLC-LC, Inc., a multinational food company started by Glover's friend and Harvard Law classmate Reginald Lewis in 1987.

Glover soon took over the role of executive vice president, and it was under his leadership that, in 1996, TLC-LC posted sales of $2.2 billion. With operations in more than 30 countries, the company became widely recognized as the Nation's largest African-American-owned business.

While Reynaldo Glover's accomplishments in the business world are unquestionably impressive, he is probably better known for his passionate work to provide access to high-quality education to young men and women from low-income families.

Glover grew up in a low-income neighborhood in Gary, IN. After high

school, he went to Nashville, TN, to attend Fisk University one of the Nation's pre-eminent historically black universities. A dedicated student, Glover went on to graduate from Harvard Law School in 1968.

Devoted to furthering the advancement of African Americans and other racial minorities, Reynaldo Glover become national director of the Law Student Civil Rights Research Council in New York.

Later, he came to Chicago to practice law. He served as partner at several Chicago law firms before joining TLC Beatrice as an attorney with the firm DLA Piper.

While in Chicago, Glover also served as chairman of the City Colleges of Chicago's Board of Trustees. Established in 1911, the City Colleges of Chicago is a system of seven community colleges that provide educational opportunities to Chicago students. During his tenure as board chairman, Glover was instrumental in launching a campaign to recruit students from the city's low-income housing developments.

In 2003, he was appointed chairman of the Fisk University Board of Trustees. He welcomed the opportunity to serve his alma mater and did so with great pride. The success he achieved in academia and corporate America helped him to serve as a positive example to the students at Fisk.

Reynaldo Glover's life reflected the words of another distinguished Fisk alum, W.E.B. DuBois, who said, ''Education is the whole system of human training within and without the schoolhouse walls, which molds and develops men.''

This Sunday, December 9, Reynaldo Glover's friends and family will gather at a memorial service in Chicago to remember and honor his remarkable life. His tireless efforts to expand educational opportunities for low-income students and to encourage African-American achievement will be felt for generations to come.

Those who knew him recall him not only with fondness but with great admiration.

Our thoughts and prayers are with his family, especially his wife Pamela and children, Reynaldo, Jr., Brian, Jharett Brantley, Ryan, and Shea.

THE DESTRUCTION OF CIA TAPES

Mr. KENNEDY. Mr. President, the torture debate took another deeply troubling turn yesterday. The Nation learned the CIA had destroyed videotapes of its employees in the act of using torture or other harsh interrogation techniques on detainees.

Those tapes were not shown to Congress. They were not shown to any court. They were not shown to the bipartisan 9-11 Commission. Instead, they were destroyed.

What would cause the CIA to take this action? The answer is obvious—cover up. The agency was desperate to cover up damning evidence of their practices. In a letter to agency employees yesterday, CIA Director Michael Hayden claimed that the tapes were a security risk because they might someday ''leak'' and thereby identify the CIA employees who engaged in these practices.

But that excuse won't wash. I am second to no one in wanting to protect the brave men and women of the CIA. But how is it possible that the director of the CIA has so little faith in his own agency?

Does the director believe the CIA's buildings are not secure?

Would it be beyond the agency's technical expertise to preserve the tapes while hiding the identity of its employees?

Does the director believe that the CIA's employees cannot be trusted not to leak materials that might harm the agency?

Or does he know that the interrogation techniques are so abhorrent that they could not remain unknown much longer?

It is particularly difficult to take the director's explanation at face value when the news that these CIA tapes were destroyed came the very same week that we learned that as many as 10 million White House emails have not been preserved, despite a law that requires their retention. At the same time, the President continued to insist that we grant immunity to the phone companies for their role in the illegal wiretapping of American citizens.

The pattern is unmistakable. The past 6 years, the Bush administration has run roughshod over our ideals and the rule of law. For 4 of those 6 years, the Republican Congress did little to hold the administration accountable. Now, when the new Democratic Congress is demanding answers, the administration is feverishly covering up its tracks. We haven't seen anything like this since the 18½-minute gap in the tapes of President Richard Nixon.

These efforts are wrong, and they must be stopped. I and other concerned Senators will today call upon Attorney General Mukasey to immediately begin an investigation into whether the CIA's handling and destruction of these tapes violated the law.

We also must redouble our efforts to make sure that future interrogations by the CIA conform to our laws and values. No part of our Government should engage in practices that are so horrific that we cannot bear to see them on tape. To that end, I introduced legislation to require that all Government agencies, including the CIA, follow the standards of the Army Field Manual. Language that would take that important step was recently included in the conference report on the Intelligence authorization bill, and we must act to adopt it as soon as possible.

As founder John Adams said, our Nation is ''a Nation of laws, not men.'' That basic principle is at risk today from an administration that is engaging in a coverup—systematically destroying records, commuting sentences, and stonewalling congressional investigations. The CIA's role in this coverup is only the latest reminder that Congress must fight harder to prevent this administration from making a mockery of the rule of law, and to preserve the right of the American people to know what the Government has been doing in their name.

Mr. OBAMA. Mr. President, I wish to express my serious concern over the Central Intelligence Agency's confirmation that videotapes depicting brutal interrogation techniques were destroyed.

First, it is important that we note the broader context of this debate. The United States of America is a nation born out of a struggle against tyranny, and our founding legal document asserts that the rule of law applies to all men and women, and all branches and agencies of government. We are not a perfect Nation, but our national greatness is marked by our ability to rise above our imperfections through our allegiance to our values and to the rule of law. Time and again, America has triumphed because of the contrast we draw to tyranny. We are a nation that set captives free, shut down torture chambers, and extended freedom and international law to more of humanity.

Now, we are engaged in a new kind of conflict. And the question that we have faced since September 11, 2001, is how we are going to respond to the shadowy, stateless, terrorist enemies of the 21st century.

Tragically, the Bush administration has too often chosen to respond to this enemy by abandoning our values and ignoring laws that it deems inconvenient. So we have seen excessive secrecy, indefinite detention, warrantless wire-tapping, and 'enhanced interrogation techniques' like simulated drowning that qualify as torture through any careful measure of the law or appeal to human decency. For each of these new policies, we have seen dubious legal reasoning that does not stand up to the harsh light of review or the sound judgment of our Constitution.

Yesterday, we learned that in November 2005, the CIA destroyed videotapes of its interrogations of two prominent al-Qaida suspects, including a close Osama bin Laden associate Abu Zubayadah. Media reports suggest that these videotapes depict brutal interrogation techniques, and could certainly be relevant to ongoing investigations and inquiries. Furthermore, these videotapes were not provided to the 9/11 Commission, which made a broad set of requests for classified documents—including interrogation tapes and transcripts—that would have included information about the 9/11 attacks.

The CIA has argued that these tapes needed to be destroyed to protect the identities of the interrogators. Our government must go to any length necessary to protect the identities of those

who serve in a covert capacity. But the CIA keeps scores of classified material—including videotapes—while protecting the identities of its agents. This raises serious questions about whether the tapes were destroyed to protect the nature of the interrogation, rather than the identity of the interrogator.

This incident deserves further congressional oversight and inquiry—neither the CIA nor this interrogation program is immune to our laws. This is yet another chapter in a dark period in our constitutional history. Now, it is time to turn the page. That is why I was heartened to learn that the House and Senate Intelligence Committees have reached agreement on including a requirement in the Intelligence authorization bill that subjects CIA interrogators to the guidelines on interrogation included in the U.S. Army Field Manual. It would be a grave disappointment—though not surprising—if this important step forward were subject to a veto threat from the President. That must not deter the Congress from moving forward. We have a responsibility to act.

We should not have a separate interrogation program whose methods are so abhorrent that they cannot stand up to scrutiny. We should not have to find ways of ignoring or averting our own laws to defend our country. Torture does not work. Torture violates our laws. And torture sets back the standing and moral leadership that America needs to triumph in this global struggle. Our values and laws are not inconvenient obstacles to the defense of our national security—they can and must be a guiding force in our response to terrorism.

Today is Pearl Harbor day—a date when our Nation was subjected to a terrible surprise attack, and when a generation of Americans answered the call to defend our security and extend the cause of freedom. More than 6 years after 9/11, we are still struggling to define our own response to our generation's terrible surprise attack. As we defend America, let us learn the painful lessons of these last few years, and enlist our values and our Constitution in this first great struggle of the 21st century.

NATIONAL STEM SCHOLARSHIP DATABASE ACT

Ms. COLLINS. Mr. President, I am pleased to be joining my colleagues from Illinois and Minnesota, Senators OBAMA, DURBIN, and COLEMAN, in introducing the National Science, Technology, Engineering, and Math, STEM, Scholarship Database Act of 2007, which is intended to address one of the obstacles that students experience in pursuing undergraduate and postbaccalaureate studies in STEM fields.

There is growing concern that the United States is not preparing a sufficient number of students, teachers, and practitioners in STEM fields. An important aspect of U.S. efforts to maintain and improve economic competitiveness is the existence of a capable scientific and technological workforce.

The change from a labor-based manufacturing to a knowledge-based manufacturing and service economy demands certain skills of our citizenry. The National Science Foundation, NSF, projects that in the increasingly changing context for science and technology, a workforce trained in the sciences and engineering is necessary for continued economic growth. The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4 percent from 2004 to 2014, compared to a growth of 13 percent in all occupations during the same time period. Furthermore, the current scientific and engineering workforce is aging. The NSF reports that the number reaching retirement age will increase dramatically over the next two decades.

A May 2007 report of the Department of Education states that: There is increasing concern about U.S. economic competitiveness, particularly the future ability of the nation's education institutions to produce citizens literate in STEM concepts and to produce future scientists, engineers, mathematicians, and technologists. Such experts are needed to maintain U.S. preeminence in science, technology, engineering and mathematics. While other countries around the world strive to improve their own education systems and to expand their economies, the U.S. will have to work even harder in the coming years to maintain its competitive edge.

In addition to these statistics, we have anecdotal evidence from universities across the country and in my home State of Maine. Faculty from the University of Southern Maine and across the State point to decreasing undergraduate enrollments in STEM fields and an even greater decrease in the number of bachelor and master's degrees conferred in these fields. For many students, the obstacle is not a lack of interest but rather a lack of financial resources.

On August 9, 2007, President Bush signed into law Public Law 110–69, The America COMPETES Act, H.R. 2272. The legislation is directed at increasing research investment, improving economic competitiveness, developing an innovation infrastructure, and strengthening and expanding science and mathematics programs at all points on the educational pipeline. The America COMPETES Act authorizes $33.6 billion for fiscal year 2008 through fiscal year 2010 for science, mathematics, engineering, and technology programs across the Federal Government. This Federal effort, while laudable, is essentially unknown to the average student interested in pursuing a degree in a STEM field. Moreover, it does little to help a rising college freshman today enter a degree program in aerospace engineering, veterinary medicine, or computer information systems.

A major challenge facing many high school graduates and their families is how to afford college. Helping students locate financial aid might well increase the number of students entering STEM fields. For many first-generation college students, financial assistance may be available but the student may be unaware of the opportunities. As a result of Federal efforts in this area, there is a large array of financial aid opportunities available in the STEM fields; however, there is no simple way for potential applicants to explore them.

The database created in this bill will have a complete list of STEM scholarships, fellowships, and other programs of financial assistance from all public and private sources for postsecondary and postgraduate study. The American Chemical Society and the National Science Teachers Association believe this measure will expand and strengthen the STEM education pipeline and help keep our nation competitive in the global economy by aiding capable students who are interested in STEM careers in their search for the right scholarship opportunity to support their studies.

With less than 6 percent of the world's population, the United States cannot expect to dominate science and technology in the future as it did during the second half of the last century when we enjoyed a massively disproportionate share of the world's STEM resources. We must invest more in the resources we do have, encourage those resources to produce economically useful innovations, and organize the STEM enterprise by working to make sure that innovations developed here produce prosperity and progress for all.

CELEBRATING THE 50TH ANNIVERSARY OF TEMPLE BETH EL IN MIDLAND, MICHIGAN

Mr. LEVIN. Mr. President, it is my distinct honor to pay tribute to Temple Beth El on its 50th anniversary, which will continue to be celebrated throughout the year. This small but vibrant Jewish congregation has made an important contribution to the Midland community.

Since the 1890s, when the first Jewish family settled in this area, there has been a strong Jewish community. By 1955, the Jewish community in Midland totaled nearly 50 families. The following year, after having commuted to other cities for religious instruction and observance for many years, the decision was made to establish a local place of worship. After much discussion and with guidance from Rabbi Katz of Saginaw and the leadership of Ralph Cutler and Leonard Bernstein, the congregation's founding families provided the financial and material support necessary to design and secure a location

for both the temple and for a permanent rabbinical residence.

On December 29, 1957, Temple Beth El formally opened its doors at a dedication ceremony led by the congregation's first spiritual leader, Rabbi Marc Samuels, a graduate of the Jewish Theological Seminary and a Holocaust survivor. In attendance were the 52 original member families, the congregation's officers, and many other community leaders. At its inception the congregation chose to affiliate itself with the conservative Jewish movement. In 2000, in response to the wishes of its members, the Temple decided to become a reform congregation.

I am sure that my colleagues in the Senate join me in congratulating the leadership, congregants, and the greater Midland community as they continue to celebrate the 50th anniversary of Temple Beth El. Their rich history and commitment to service has greatly impacted the small, close-knit Jewish community in Midland. We all look forward to at least 50 more years of spiritual guidance and leadership.

TRIBUTE TO CURTIS STRANGE

Mr. BURR. Mr. President, today I wish to honor a man who is a close personal friend of mine but more importantly is admired by fans of the sport of golf around the world.

I wish to highlight the career of professional golfer Curtis Strange, who on November 12, 2007, was formally inducted into the World Golf Hall of Fame.

I first met Curtis as an undergraduate student-athlete at Wake Forest University where he earned the prestigious Arnold Palmer Scholarship to play golf.

Curtis's college career was nothing short of remarkable. Many even consider the team that Curtis played on at Wake Forest to be the best collegiate golf team in U.S. history. In fact, Golf World called the 1975 Wake Forest team that featured Curtis Strange, Jay Haas, Bob Byman, and David Thore as ''the greatest of all-time.''

In 1974, Curtis won the Fred Haskins Award that goes to the Nation's top collegiate golfer and was awarded 1st Team All-American honors three years in a row.

In 1974 and 1975, Curtis led the Demon Deacon golf team to two, back-to-back NCAA titles and earned the individual collegiate title in 1974, the same year he won the World Amateur Cup.

Curtis turned professional after his junior year in 1976. Throughout his professional career and particularly in the 1980s, Curtis impressed PGA fans with his unmatched skills proving how excellent a golfer he really is, achieving feats that very few other golfers can say they have achieved. For instance, he posted 17 PGA Tour victories including back-to-back U.S. Open Championships in 1988 and 1989, becoming the first to do that since Ben Hogan in 1950–1951. He has been a member of five Ryder Cup Teams—1983, 1985, 1987, 1989 and 1995—and in 2002, he was captain of the Ryder Cup team. And Curtis Strange's impressive career has not ended. He currently plays on the senior PGA Tour.

But perhaps one of the most honorable achievements of Curtis Strange was his gracious gift to Wake Forest University. He recently very generously established a golf scholarship fund at Wake Forest. This gesture should not go unnoticed. It shows that Curtis is the type of man who wants to give back to the community that helped him get to where he is today. He wants others to benefit from his success.

Curtis Strange is a good man with a good heart.

I congratulate Curtis on his induction into the World Golf Hall of Fame, I commend him for his outstanding achievements as an athlete, and I honor him as a person.

ALTERNATIVE MINIMUM TAX

Mr. KOHL. Mr. President, last night, after months of political posturing, the Senate voted to prevent a massive tax burden from falling on 21 million Americans. Without last night's action, millions of middle-class Americans would have been impacted by the alternative minimum tax, a tax meant to impact only the wealthiest individuals. And while I believe the legislation we passed was not perfect, I would have preferred that we adhere to the pay-go rules that I voted for—it was a compromise I supported.

I must express my disappointment at what it took to get us here. There was no disagreement over whether we should prevent middle-class families from being hit by the AMT. So why would it take months to get this legislation passed? Sadly, the debate surrounded whether or not we should pass the burden of paying for this fix onto the next generation. Republicans wanted to borrow money to pay for this tax cut, while Democrats argued that we should be more responsible and not leave our children with the bill.

In addition to not offsetting the cost of the AMT fix, the Senate failed to pass a tax extenders package. In October, the House passed fully offset legislation that would both fix the AMT and extend certain tax provisions that will expire at the end of the year. These provisions—such as the research and development credit, the tuition deduction, and the deduction for teachers' classroom expenses—are vital to millions of Americans. The Senate had an opportunity to renew these credits and deductions in a fiscally responsible manner. I hope my colleagues will reconsider in the coming weeks and will pass a tax extenders package before we adjourn for the year.

Despite all this, we did the right thing in passing an AMT fix. The AMT was originally intended to prevent the wealthiest Americans from avoiding paying any income tax. But due to inflation and various changes in tax law, the AMT had morphed and grown—without last night's action, nearly two and a half million families making less than $75,000 would have to pay the AMT. That is well beyond the scope of what Congress intended when the AMT was put in place, and I am glad we could take the necessary step to prevent that from happening.

I hope my colleagues on the House side will move quickly to get this legislation passed. It is not perfect. Things around here rarely are. And while this bill is fiscally irresponsible, it is equally irresponsible to allow millions of Americans to be hit by a tax that was never intended for them.

REMEMBERING REPRESENTATIVE HENRY HYDE

Mr. HATCH. Mr. President, I rise today to speak in honor of Representative Henry Hyde, who, as we all know, passed away last Thursday. I believe all those who knew Henry will remember him for his sincere moral convictions and his dedication to the country.

Representative Hyde was born in Chicago in 1924. He graduated from Georgetown University, where he was a standout on the basketball team that made it all the way to the 1943 National Championship game. He went on to obtain a law degree from Loyola University.

Henry was in the Navy during World War II, serving in combat in the Philippines. After the war, he served for more than 20 years in the Naval Reserve, eventually obtaining the rank of commander.

In 1974, he was elected to the House of Representatives where he would represent the citizens of the Sixth Congressional District of Illinois for 22 years. During his time in the House, he became known as a steadfast proponent of the rights of the unborn, authoring the Hyde Amendment, which, to this day, ensures that Federal taxpayer funds are not used in the performance of abortions. He was also a stalwart supporter of our Nation's military and firm believer in the need to uphold the rule of law.

Henry and I had the distinct privilege of having our chairmanships of the House and Senate Judiciary Committees overlap for a substantial period of time. We worked together on numerous pieces of legislation and I always enjoyed the passion and energy he brought to every issue. Henry was a very capable legislator and a man of deep convictions. Last month, President Bush honored Representative Hyde by awarding him our Nation's highest civilian honor, the Presidential Medal of Freedom. During the ceremony, which Henry could not attend due to his declining health, the President described Henry as a ''powerful defender of life, a leading advocate for

a strong national defense, and an unwavering voice for liberty, democracy, and free enterprise around the world.''

While there were times that Representative Hyde found himself in the middle of divisive and fiercely partisan debates, I don't think that anyone would doubt that he always sought to stand behind his principles and to do what he believed was best for our country. I want to express my deepest condolences to Representative Hyde's family and my thanks for his years of service to our great Nation. He will be sorely missed.

REMEMBERING UTAH SENATOR ED MAYNE

Mr. HATCH. Mr. President, I rise today to speak in honor of Utah State Senator Ed Mayne, who, after a 9-month battle with lung cancer, passed away on the morning of Sunday, November 25. I speak on behalf of many citizens of my State who, over the years, had grown to respect Senator Mayne's support for American workers and his dedication to the State of Utah.

Senator Mayne was born in Magna, UT, in 1945. He graduated from Granger High School in West Valley City and played football for 2 years at Snow College in Ephraim, UT. In the mid-1960s, he got a job working on the track gang for Kennecott Copper in the Bingham Canyon mine. It was then that Senator Mayne became involved in organized labor.

In his early years at Kennecott, he became active in the local chapter of the United Steel Workers of America, quickly becoming the president of Local 485. In 1977, he became president of the entire chapter and, later that year, at the age of 32, he was named president of the AFL–CIO of Utah. He was, at that time, the youngest AFL–CIO chapter president in the country.

In 1994, Ed was elected to serve in the Utah State senate and was in the midst of his fourth term when he died. Throughout his time in the senate, he remained dedicated to improving the lives of workers and, while he had strong personal ties to organized labor, he was committed to serving both union and nonunion workers alike. He also devoted himself to serving poor people in Utah, working to, among other things, maintain State Medicaid benefits and to protect low-income borrowers from the exploitation of predatory lenders.

Ed Mayne was somewhat of an anomaly in Utah. He was a tried and true Democrat in one of the most Republican States in the country. However, even the most conservative Utah Republicans never doubted Ed's convictions, even when we disagreed with his position on certain issues. He left an indelible mark on the State of Utah and was a good example for all of us, Republicans and Democrats, who aspire to serve the public.

I had known Senator Mayne for his entire career in the Utah State senate. We disagreed with each other on many occasions, but there was never any animosity or hatred, just respect and friendship. We also agreed on several things and I cherished the opportunities I had to talk to him about pressing matters facing the State of Utah and sharing ideas of how to fix them.

The sentiments shared at Ed's funeral summarize our relationship very well when the eulogizer mentioned that Ed and I were very close friends and we liked each other very much. That is truly the way I felt about Ed.

I express my deepest condolences to Senator Mayne's family and my thanks for his years of service to the great State of Utah. I am grateful to have known such an outstanding public servant.

PASSAGE OF VIRGINIA TECH HOKIE SPIRIT MEMORIAL FUND

Mr. WARNER. Mr. President, today I pay tribute to the families who lost loved ones and to those who suffered injuries as consequence of the horrific shootings that claimed 32 innocent lives on April 16, 2007, on the campus of Virginia Tech. Having traveled to Virginia Tech the day after the shootings, I joined with the families and campus community in mourning. It is a memory that I carry with me to this day. We all greatly admire the ability of those who lost loved ones, and those who themselves were injured, to come together to support each other.

In the aftermath of that tragic day, over 20,000 individuals and groups across the country demonstrated their overwhelming support for the victims and their families with generous financial donations that totaled approximately $8.5 million. The Virginia Tech administration established the Hokie Spirit Memorial Fund within the Virginia Tech Foundation to accept these charitable contributions. Indeed, all of America can take pride in this outpouring of sympathy and support.

On October 30, 2007, the University officially distributed these funds to the 79 families and individuals in accordance with the protocols established by the Fund. While no amount of money can truly compensate for the loss of life or limb, these payments provide both the families of the deceased and the injured survivors with some financial resources to help, in some modest way.

Unfortunately, Federal law was not clear as to whether these payments are subject to federal taxation. Congress recognized this uncertainty and this week expeditiously passed clarifying legislation that I sponsored in the Senate along with Senator WEBB ensuring that these payments are exempt from federal taxation. The House measure was introduced by Representatives BOUCHER and GOODLATTE. Having overwhelmingly passed both Houses of Congress, the bill will now be sent to the President with every expectation to be signed into law.

Passage of this legislation could not have occurred without the support of several key groups. This October, family members and victims came to Capitol Hill to discuss the tragic day of April 16 and ways we could help prevent such events from taking place in the future. Later, I learned of the plans to distribute payments from the Fund to these families and victims. The administration of Virginia Tech along with some family members shared with my office in a very solemn and respectful manner the tax uncertainty associated with the Hokie Fund payments. These same concerns were echoed by accountants in the community who had volunteered their time to assist these families and victims.

Having learned of this unfortunate tax predicament, my colleagues and I in Congress responded accordingly with swift introduction and consideration of legislation to ensure that we provide assistance to the families and victims in overcoming this horrific tragedy. Members and their staffs worked extremely hard to obtain speedy passage of this legislation, and I rise today to thank everyone who made enactment of this legislation possible.

ADDITIONAL STATEMENTS

REMEMBERING FRANK STILWELL III

● Mr. BROWN. Mr. President, I wish to honor Frank Stilwell III, a great Ohioan and a great American. Despite losing his eyesight at age 7, Frank never accepted failure or special treatment. It is this unwavering drive that led him from the Kettering Public School District near Dayton, OH, to Georgetown Law School and eventually to the Federal Communications Commission, where he served as a Senior Staff Attorney in the Commercial Wireless Division. While at the FCC, Frank worked closely with tribal groups in Alaska to ensure cell phone towers did not blight sacred burial grounds.

A longtime amateur radio enthusiast—in his youth he helped found the Far Out Amateur Radio Club in Dayton, OH—and an avid reader—often borrowing from the audio and Braille collections at the Arlington Public Library in Virginia—Frank was a happy, active, and passionate man, which is why his unexpected death last month at the age of 50 is so tragic.

For me, Frank's passion and drive in the face of adversity is a reminder of what we are all capable of, and I hope this life lesson—Frank's lesson to us—is not soon forgotten.●

MESSAGES FROM THE HOUSE

At 9:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in

clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

At 1:28 p.m., a message from the House of Representatives, delivered by Ms. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws.

H.R. 4253. An act to improve and expand small business assistance programs for veterans of the armed forces and military reservists, and for other purposes.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, (22 U.S.C. 7002) amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader appoints the following members to the United States-China Economic and Security Review Commission: Mr. Peter T.R. Brookes of Virginia (re-appointment) and Mr. Daniel M. Slane of Ohio.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2085. An act to authorize the Secretary of the Interior to convey to the McGee Creek Authority certain facilities of the McGee Creek Project, Oklahoma, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3505. An act to make various technical and clerical amendments to the Federal securities laws; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with amendments:

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes (Rept. No. 110–238).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. OBAMA (for himself, Mr. HAGEL, and Ms. CANTWELL):

S. 2433. A bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; to the Committee on Foreign Relations.

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA–PATRIOT Act; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 2435. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 26. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself and Mr. INHOFE):

S. Res. 395. A resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day; considered and agreed to.

By Mr. CARDIN:

S. Res. 396. A resolution expressing the sense of the Senate that the hanging of nooses for the purpose of intimidation should be thoroughly investigated by Federal, State, and local law enforcement authorities and that any criminal violations should be vigorously prosecuted; to the Committee on the Judiciary.

By Mr. CASEY (for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. STEVENS):

S. Res. 397. A resolution recognizing the 2007–2008 Siemens Competition in Math, Science and Technology and celebrating the first time in the history of the competition that young women have won top honors; considered and agreed to.

ADDITIONAL COSPONSORS

S. 82

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 82, a bill to reaffirm the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes.

S. 215

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 215, a bill to amend the Communications Act of 1934 to ensure net neutrality.

S. 334

At the request of Mr. WYDEN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 334, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 793

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 1204

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1204, a bill to enhance Federal efforts focused on public awareness and education about the risks and dangers associated with Shaken Baby Syndrome.

S. 1373

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1373, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 1418

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1430

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1512

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1981

At the request of Mr. REED, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2067

At the request of Ms. LANDRIEU, her name was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2086

At the request of Mr. LOTT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2086, a bill to amend title XXI of the Social Security Act to extend funding for 18 months for the State Children's Health Insurance Program (SCHIP) and for other purposes.

S. 2108

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2108, a bill to establish a public education and awareness program relating to emergency contraception.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2313

At the request of Mr. BROWN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2313, a bill to amend the Public Health Service Act to enhance efforts to address antimicrobial resistance.

S. 2408

At the request of Mr. KERRY, the names of the Senator from Maine (Ms. SNOWE), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. CON. RES. 44

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Con. Res. 44, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Rosa Louise McCauley Parks.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of amendment No. 3639 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 2434. A bill to clarify conditions for the interceptions of computer trespass communications under the USA-PATRIOT Act; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, I am pleased to introduce the Computer Trespass Clarification Act of 2007, which would amend and clarify section 217 of the USA PATRIOT Act. This bill is virtually identical to a bill I introduced in the 109th Congress.

Section 217 of the Patriot Act addresses the interception of computer trespass communications. This bill would modify existing law to more accurately reflect the intent of the provision, and also protect against invasions of privacy.

Section 217 was designed to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. The original Department of Justice draft of the bill that later became the Patriot Act included this provision. A section by section analysis provided by the Department on September 19, 2001, stated the following:

Current law may not allow victims of computer trespassing to request law enforcement assistance in monitoring unauthorized attacks as they occur. Because service providers often lack the expertise, equipment, or financial resources required to monitor attacks themselves as permitted under current law, they often have no way to exercise their rights to protect themselves from authorized attackers. Moreover, such attackers can target critical infrastructures and engage in cyberterrorism. To correct this problem, and help to protect national security, the proposed amendments to the wiretap statute would allow victims of computer attacks to authorize persons ''acting under color of law'' to monitor trespassers on their computer systems in a narrow class of cases.

I strongly supported the goal of giving computer system owners the ability to call in law enforcement to help defend themselves against hacking. Including such a provision in the Patriot Act made a lot of sense. Unfortunately, the drafters of the provision made it much broader than necessary, and refused to amend it at the time we debated the bill in 2001. As a result, the law now gives the government the authority to intercept communications by people using computers owned by others as long as they have engaged in some unauthorized activity on the computer, and the owner gives permission for the computer to be monitored—all without judicial approval.

Only people who have a ''contractual relationship'' with the owner allowing the use of a computer are exempt from the definition of a computer trespasser under section 217 of the Patriot Act. Many people—for example, college students, patrons of libraries, Internet cafes or airport business lounges, and guests at hotels—use computers owned by others with permission, but without a contractual relationship. They could end up being the subject of Government snooping if the owner of the computer gives permission to law enforcement.

My bill would clarify that a computer trespasser is not someone who has permission to use a computer by the owner or operator of that computer. It would bring the existing computer trespass provision in line with the purpose of section 217 as expressed in the Department of Justice's initial explanation of the provision. Section 217 was intended to target only a narrow class of people: unauthorized cyberhackers. It was not intended to give the government the opportunity to engage in widespread surveillance of computer users without a warrant.

Another problem is that unless criminal charges are brought against someone as a result of such surveillance, there would never be any notice at all that the surveillance has taken place. The computer owner authorizes the surveillance, and the FBI carries it out.

There is no warrant, no court proceeding, no opportunity even for the subject of the surveillance to challenge the assertion of the owner that some unauthorized use of the computer has occurred.

My bill would modify the computer trespass provision in the following additional ways to protect against abuse, while still maintaining its usefulness in cases of denial of service attacks and other forms of hacking.

First, it would require that the owner or operator of the protected computer authorizing the interception has been subject to ''an ongoing pattern of communications activity that threatens the integrity or operation of such computer.'' In other words, the owner has to be the target of some kind of hacking.

Second, the bill limits the length of warrantless surveillance to 96 hours. This is twice as long as is allowed for an emergency criminal wiretap. With four days of surveillance, it should not be difficult for the government to gather sufficient evidence of wrongdoing to obtain a warrant if continued surveillance is necessary.

Finally, the bill would require the Attorney General to report annually on the use of Section 217 to the Senate and House Judiciary Committees. Section 217 was originally subject to the sunset provision in the Patriot Act and therefore would have expired at the end of 2005. However, the USA PATRIOT Improvement and Reauthorization Act, which became law in March 2006, made this provision permanent. Congress needs to do more oversight of the use of this provision.

The computer trespass provision now in the law as a result of section 217 of the PATRIOT Act leaves open the potential for significant and unnecessary invasions of privacy. The reasonable and modest changes to the provision contained in this bill preserve the usefulness of the provision for investigations of cyberhacking, but reduce the possibility of government abuse. I urge my colleagues to support the Computer Trespass Clarification Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2434

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 ''Computer Trespass Clarification Act of 2007''.

SEC. 2. AMENDMENTS TO TITLE 18.

(a) DEFINITIONS.—Section 2510(21)(B) of title 18, United States Code, is amended by—

(1) inserting ''or other'' after ''contractual''; and

(2) striking ''for access'' and inserting ''permitting access''.

(b) INTERCEPTION AND DISCLOSURE.—Section 2511(2)(i) of title 18, United States Code, is amended—

(1) in clause (I), by inserting ''is attempting to respond to communications activity that threatens the integrity or operation of such computer and requests assistance to protect the rights and property of the owner or operator, and'' after ''the owner or operator of the protected computer''; and

(2) in clause (IV), by inserting ''ceases as soon as the communications sought are obtained or after 96 hours, whichever is earlier (unless an order authorizing or approving the interception is obtained under this chapter) and'' after ''interception''.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary the House of Representatives on the use of section 2511 of title 18, United States Code, relating to computer trespass provisions, as amended by subsection (b), during the year before the year of that report.

By Mr. FEINGOLD:

S. 2435. A bill to limit authority to delay notice of search warrants; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I will reintroduce in the Senate the Reasonable Notice and Search Act. This bill is nearly identical to a bill I introduced in the 109th Congress, S. 316. It addresses Section 213 of the USA PATRIOT Act, a provision passed in the wake of the 9/11 attacks that has caused serious concern among Members of Congress and the public. Section 213, sometimes referred to as the ''delayed notice search provision'' or the ''sneak and peek provision,'' authorizes the government in limited circumstances to conduct a search in a criminal investigation without immediately serving a search warrant on the owner or occupant of the premises that have been searched.

Prior to the Patriot Act, secret searches for physical evidence were performed in some jurisdictions under the authority of Court of Appeals decisions, but the Supreme Court never definitively ruled whether they were constitutional. Section 213 of the Patriot Act authorized delayed notice warrants in any case in which an ''adverse result'' would occur if the warrant was served before the search was executed. ''Adverse result'' was defined as including: endangering the life or physical safety of an individual, flight from prosecution, destruction of or tampering with evidence, intimidation of potential witnesses, or otherwise seriously jeopardizing an investigation or unduly delaying a trial. This last catchall category could apply in virtually any criminal case. In addition, while some courts had required the service of the warrant within a specified period of time, the Patriot Act simply required that the warrant specify that it would be served within a ''reasonable'' period of time after the search.

This provision of the Patriot Act was not limited to terrorism cases. In fact, before the Patriot Act passed, the FBI already had the authority to conduct secret searches of foreign terrorists and spies with no notice at all under the Foreign Intelligence Surveillance Act. Furthermore, the Patriot Act ''sneak and peek'' authority was not made subject to any sunset provision. So Section 213 was obviously a provision that the Department of Justice wanted regardless of the terrorism threat after 9/11.

Perhaps that is why this provision has caused such controversy. In 2003, by a wide bipartisan margin, the House passed an amendment to the Commerce-Justice-State appropriations bill offered by then-Representative Butch Otter from Idaho, a Republican, to stop funding for delayed notice searches authorized under section 213.

I first raised concerns about the sneak and peek provision when it was included in the Patriot Act in 2001. I raised concerns during the reauthorization process in 2005 and 2006, when changes were made that were, unfortunately, entirely inadequate. The reauthorization legislation did not change the very broad standard for issuing a sneak and peak search warrant. It put in place a 30-day time limit for the delayed notice of these warrants and permitted 90-day extensions—time periods that are far too long.

So even after the reauthorization process, adequate safeguards are still not in place for these types of searches. I have never argued, however, and I am not arguing now, that there should be no delayed notice searches at all and that the provision should be repealed. I simply believe that this provision should be modified to protect against abuse. My bill will do three things to accomplish this.

First, my bill would narrow the circumstances in which a delayed notice warrant can be granted to the following: potential loss of life, flight from prosecution, destruction or tampering with evidence, or intimidation of potential witnesses. I do not include the ''catchall provision'' in section 213, allowing a secret search when serving the warrant would ''seriously jeopardize an investigation or unduly delay a trial,'' because it can too easily be turned into permission to do these searches whenever the government wants.

Second, I believe that any delayed notice warrant should provide for a specific and limited time period within which notice must be given: 7 days. This is consistent with some of the pre-Patriot Act court decisions and will help to bring this provision in closer accord with the Fourth Amendment to the Constitution. Under my bill, prosecutors will be permitted to seek 21-day extensions if circumstances continue to warrant that the subject not be made aware of the search. But the default should be 1 week, unless a court is convinced that more time should be permitted.

Finally, Section 213 should include a sunset provision so that it expires along with the other expanded surveillance provisions in Title II of the Patriot Act, at the end of 2009. This will allow Congress to reevaluate this authority and whether additional safeguards are needed.

These are reasonable and moderate changes to the law. They do not gut the provision. Rather, they recognize the legitimate concern across the political spectrum that this provision presents the potential for abuse. They also send a message that Fourth Amendment rights have meaning, and potential violations of those rights should be minimized if at all possible. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECROD, as follows:

S. 2435

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 ''Reasonable Notice and Search Act''.

SEC. 2. LIMITATION ON AUTHORITY TO DELAY NOTICE OF SEARCH WARRANTS.

Section 3103a of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''may have an adverse result (as defined in section 2705, except if the adverse results consist only of unduly delaying a trial)'' and inserting ''will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses''; and

(B) in paragraph (3), by striking ''30 days'' and all that follows and inserting ''7 days after the date of its execution.''; and

(2) in subsection (c), by striking ''for good cause shown'' and all that follows and inserting ''upon application of the Attorney General, the Deputy Attorney General, or an Associate Attorney General, for additional periods of not more than 21 calendar days for each such application, if the court finds, for each such application, reasonable cause to believe that notice of the execution of the warrant will endanger the life or physical safety of an individual, result in flight from prosecution, result in the destruction of or tampering with the evidence sought under the warrant, or result in intimidation of potential witnesses.''.

SEC. 3. SUNSET ON DELAYED NOTICE AUTHORITY.

Section 102(b) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended—

(1) in the subsection heading, by inserting '', 213, '' before ''AND 215''; and

(2) in paragraph (1), by inserting ''section 3103a of title 18, United States Code, is amended so that section reads as it read on October 25, 2001, and'' before ''the Foreign Intelligence''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—EXPRESSING THE SENSE OF THE SENATE REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. AKAKA (for himself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 395

Whereas on December 7, 1941, the Imperial Japanese Navy Air Force attacked the sovereign territory of the United States at Pearl Harbor, Hawaii;

Whereas more than 2,400 United States service members and civilians were killed in the attack on Pearl Harbor;

Whereas there are more than 4,900 members of the Pearl Harbor Survivors Association;

Whereas the 66th anniversary of the attack on Pearl Harbor will be December 7, 2007;

Whereas on August 23, 1994, Public Law 103–308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day; and

Whereas section 129(b) of title 36, United States Code, requests that the President issue each year a proclamation calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor: Now, therefore, be it

Resolved, That the Senate, on the occasion of the 66th anniversary of the December 7, 1941, attack on Pearl Harbor, Hawaii, pays tribute to—

(1) the United States service members and civilians who died in the attack; and

(2) the members of the Pearl Harbor Survivors Association.

SENATE RESOLUTION 396—EXPRESSING THE SENSE OF THE SENATE THAT THE HANGING OF NOOSES FOR THE PURPOSE OF INTIMIDATION SHOULD BE THOROUGHLY INVESTIGATED BY FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AUTHORITIES AND THAT ANY CRIMINAL VIOLATIONS SHOULD BE VIGOROUSLY PROSECUTED

Mr. CARDIN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 396

Whereas, in the fall of 2007, nooses have been found hanging in or near a high school in North Carolina, a Home Depot store in New Jersey, a school playground in Louisiana, the campus of the University of Maryland, a factory in Houston, Texas, and on the door of a professor's office at Columbia University;

Whereas the Southern Poverty Law Center has recorded between 40 and 50 suspected hate crimes involving nooses since September 2007;

Whereas, since 2001, the Equal Employment Opportunity Commission has filed more than 30 lawsuits that involve the displaying of nooses in places of employment;

Whereas nooses are reviled by many Americans as symbols of racism and of lynchings that were once all too common;

Whereas, according to Tuskegee Institute, more than 4,700 people were lynched between 1882 and 1959 in a campaign of terror led by the Ku Klux Klan;

Whereas the number of victims killed by lynching in the history of the United States exceeds the number of people killed in the horrible attack on Pearl Harbor (2,333 dead) and Hurricane Katrina (1,836 dead) combined; and

Whereas African-Americans, as well as Italian, Jewish, and Mexican-Americans, have comprised the vast majority of lynching victims, and only when we erase the terrible symbols of the past can we finally begin to move forward on issues of race in the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the hanging of nooses is a reprehensible act when used for the purpose of intimidation and, under certain circumstances, can be criminal;

(2) the hanging of nooses for the purpose of intimidation should be investigated thoroughly by Federal, State, and local law enforcement; and

(3) any criminal violations involving the hanging of nooses should be vigorously prosecuted.

SENATE RESOLUTION 397—RECOGNIZING THE 2007–2008 SIEMENS COMPETITION IN MATH, SCIENCE AND TECHNOLOGY AND CELEBRATING THE FIRST TIME IN THE HISTORY OF THE COMPETITION THAT YOUNG WOMEN HAVE WON TOP HONORS

Mr. CASEY (for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. CLINTON, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 397

Whereas the Siemens Competition in Math, Science and Technology was first held in 1998 and is one of the top science competitions in the country for high school students;

Whereas Isha Himani Jain, 16, is a senior at Freedom High School in Bethlehem, Pennsylvania, and placed first in the individual category for her studies of bone growth in zebra fish;

Whereas Janelle Schlossberger and Amanda Marinoff, both 17, are seniors at Plainview-Old Bethpage John F. Kennedy High School on Long Island and won the team category for creating a molecule that helps block the reproduction of drug-resistant tuberculosis bacteria;

Whereas Alicia Darnell is 17 and a senior at Pelham Memorial High School in Pelham, New York, and won second place in the individual category for research that identified genetic defects related to amyotrophic lateral sclerosis (Lou Gehrig's Disease);

Whereas Caroline Lang, 16, Rebecca Ehrhardt, 15, and Naomi Collipp, 16, of Pennsylvania and New Jersey took fifth place in the team category for their project on the safe elimination of E. coli bacteria;

Whereas the awards were announced on December 3, 2007, at New York University and mark the first time that young women have won the grand prizes in both the individual and team categories of the Siemens Competition: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Siemens Foundation, sponsor of the Siemens Competition in Math, Science and Technology, for its contributions to science education and academic excellence;

(2) congratulates all the competitors and finalists in the Siemens Competition in Math, Science and Technology;

(3) celebrates the many contributions of women in the fields of math, science, and technology on the occasion of the first time that young women have won both the individual and team grand prizes in the Siemens Competition; and

(4) recognizes the dedication of parents, educators, and organizations such as the Siemens Foundation in helping young men and women achieve academic excellence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3819. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

SA 3820. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3819. Mr. BROWN (for himself, Mr. SUNUNU, Mrs. MCCASKILL, Mr. MCCAIN, Mr. DURBIN, and Mr. SCHUMER) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

On page 272, between lines 2 and 3, insert the following:

SEC. 19___. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended by adding at the end the following:

''(6) ENTERPRISE AND WHOLE FARM UNITS.—

''(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2) for policyholders that convert from a plan or policy of insurance for which the insurable unit is defined on optional or basic unit basis.

''(B) ELIGIBILITY.—To be eligible to participate in a pilot program established under this paragraph, a policyholder shall—

''(i) have purchased additional coverage for the 2005 crop year on an optional or basic unit basis for at least 90 percent of the acreage to be covered by enterprise or whole farm unit policy for the current crop; and

''(ii) purchase the enterprise or whole farm unit policy at not less than the highest coverage level that was purchased for the acreage for the 2005 crop year.

''(C) AMOUNT.—

''(i) IN GENERAL.—The amount of premium per acre paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall

be, to the maximum extent practicable, equal to the average dollar amount of subsidy per acre paid by the Corporation under paragraph (2) for a basic or optional unit.

''(ii) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed the total premium for the enterprise or whole farm unit policy.

''(D) CONVERSION OF PILOT TO A PERMANENT PROGRAM.—Not earlier than 180 days after the date of enactment of this paragraph, the Corporation may convert the pilot program described in this paragraph to a permanent program if the Corporation has—

''(i) carried out the pilot program;

''(ii) analyzed the results of the pilot program; and

''(iii) submitted to Congress a report describing the results of the analysis.''.

On page 272, after line 24, insert the following:

SEC. 19___. SHARE OF RISK.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by striking paragraph (3) and inserting the following:

''(3) SHARE OF RISK.—The reinsurance agreements of the Corporation with the reinsured companies shall require the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 15 percent.''.

On page 273, strike lines 9 through 19 and insert the following:

''(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs for all crop insurance policies used to define loss ratio shall be the lesser of—

''(i) 2 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007, except that this clause shall not apply in a reinsurance year to the total premium written in a State in which the loss ratio is greater than 1.2; or

''(ii) the national average reimbursement dollar amount per policy for all buy-up policies during each of the 2004 through 2006 reinsurance years, except that this clause shall not apply—

''(I) in a reinsurance year to the total premium written in a State in which the loss ratio is greater than 1.2; and

''(II) in a State is underserved by the Federal crop insurance program, as determined by the Corporation.''.

Beginning on page 274, strike line 3 and all that follows through page 275, line 14, and insert the following:

SEC. 1912. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section ____) is amended by adding at the end the following:

''(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

''(A) IN GENERAL.—Notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105-185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106-224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

''(i) following the reinsurance year ending June 30, 2010;

''(ii) once during each period of 3 reinsurance years thereafter; and

''(iii) subject to subparagraph (B), in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

''(B) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.''.

On page 292, strike lines 8 through 11 and insert the following:

(2) by striking paragraph (2) and inserting the following:

''(2) CONTRACTING, DATA MINING, AND COMPREHENSIVE INFORMATION MANAGEMENT SYSTEM.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use not more than $12,000,000 for fiscal year 2008 and each subsequent fiscal year to carry out, in addition to other available funds—

''(A) contracting and partnerships under subsections (c) and (d);

''(B) data mining and data warehousing under section 515(j)(2);

''(C) the comprehensive information management system under section 10706 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8002);

''(D) compliance activities, including costs for additional personnel; and

''(E) development, modernization, and enhancement of the information technology systems used to manage and deliver the crop insurance program.''; and

On page 445, line 20, strike ''$97,000,000'' and insert ''$107,000,000''.

On page 445, line 24, strike ''$240,000,000'' and inert ''$290,000,000''.

On page 446, line 4, strike ''$1,270,000,000'' and insert ''$1,300,000,000''.

On page 446, line 6, strike ''$1,300,000,000'' and adding ''$1,330,000,000''.

On page 552, strike lines 3 through 6 and insert the following:

(5) in subsection (l)(1), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2009 and 2010''.

Beginning on page 566, strike line 1 and all that follows through page 567, line 21, and insert the following:

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2007 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking ''not less than $134'' and all that follows through the end of the clause and inserting the following: ''not less than—

''(I) for fiscal year 2008, $141, $241, $199, and $124, respectively;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $134, $229, $189, and $118, respectively; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.'';

(2) in subparagraph (B)(ii), by striking ''not less than $269.'' and inserting the following: ''not less than—

''(I) for fiscal year 2008, $283;

''(II) for each of fiscal years 2009 through 2012, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food;

''(III) for fiscal year 2013, $269; and

''(IV) for fiscal year 2014 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.''; and

(3) by adding at the end the following:

''(C) REQUIREMENT.—Each adjustment under subclauses (II) and (IV) of subparagraph (A)(ii) and subclauses (II) and (IV) of subparagraph (B)(ii) shall be based on the unrounded amount for the prior 12-month period.''.

On page 692, strike line 12.

SA 3820. Mr. BAUCUS (for himself and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. 3___. AGRICULTURAL SUPPLY.

(a) IN GENERAL.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

''(2) AGRICULTURAL SUPPLY.—The term 'agricultural supply' includes—

''(A) agricultural commodities; and

''(B)(i) agriculture-related processing equipment;

''(ii) agriculture-related machinery; and

''(iii) other capital goods related to the storage or handling of agricultural commodities or products.''.

(b) CONFORMING AMENDMENTS.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking ''agricultural commodities'' each place it appears and inserting ''agricultural supplies'';

(2) in section 904(2), by striking ''agricultural commodity'' and inserting ''agricultural supply''; and

(3) in section 910(a), in the subsection heading, by striking ''AGRICULTURAL COMMODITIES'' and inserting ''AGRICULTURAL SUPPLIES''.

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking ''(1) IN GENERAL.—No United States person'' and inserting the following:

''(1) PROHIBITION.—

''(A) IN GENERAL.—No United States person''; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking ''Nothing in this paragraph'' and inserting the following:

''(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

''(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

''(D) CLARIFICATION.—Nothing in this paragraph''.

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208) is amended by adding at the end the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

''(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

''(A) IN GENERAL.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

''(i) to explore the market in Cuba for products authorized under this title; or

''(ii) to engage in sales activities with respect to such products.

''(B) INCLUSION.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

''(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing activities involving products approved for sale under this title.

''(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

''(A) producers of products authorized under this title;

''(B) distributors of such products; and

''(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

''(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.''.

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106–387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

''SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

''Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.''.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Bryan Mignone and Alicia Jackson, both AAAS fellows with my staff on the Energy and Natural Resources Committee, be granted floor privileges for the remainder of debate on the Energy bill.

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

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Alan Mackey and Patty Lawrence, detailees from the U.S. Department of Agriculture, my committee staff, be granted the privileges of the floor for today's session and for the remainder of the debate on this bill.

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

EXECUTIVE SESSION

PATENT LAW TREATY AND REGULATIONS UNDER PATENT LAW TREATY

GENEVA ACT OF THE HAGUE AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS

SINGAPORE TREATY ON THE LAW OF TRADEMARKS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 6, 7, and 8, the Patent Law Treaty; the Geneva Act concerning the international registration of industrial designs; and the Singapore Treaty on the Law of Trademarks; that the treaties be advanced through their various parliamentary stages, up to and including the presentation of the resolutions of ratification, and that the reservations, declarations, and conditions be agreed to, and there now be a division vote on the resolutions en bloc.

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

The treaties will be considered to have passed through their various parliamentary stages, up to and including the presentation of the resolutions of ratification.

The resolutions of ratification are as follows:

TREATIES

[Patent Law Treaty and Regulations Under Patent Law Treaty (Treaty Doc. 109–12)]

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to reservation.

The Senate advises and consents to the ratification of the Patent Law Treaty and Regulations under the Patent Law Treaty, done at Geneva on June 1, 2000 (Treaty Doc. 109–12), subject to the reservation of section 2.

Section 2. Reservation.

The advice and consent of the Senate under section 1 is subject to the following reservation, which shall be included in the United States instrument of ratification:

Pursuant to Article 23, the United States of America declares that Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

[Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (Treaty Doc. 109–21)]

Section 1. Senate Advice and Consent subject to declarations.

The Senate advises and consents to the ratification of the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the ''Agreement''), adopted in Geneva on July 2, 1999, and signed by the United States of America on July 6, 1999 (Treaty Doc. 109–21), subject to the declarations of section 2.

Section 2. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations, which shall be included in the United States instrument of ratification:

(1) Pursuant to Article 5(2)(a) and Rule 11(3) of the Agreement, the United States of America declares that its Office is an Examining Office under the Agreement whose law requires that an application for the grant of protection to an industrial design contain: (i) indications concerning the identity of the creator of the industrial design that is the subject of the application; (ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of the application; and (iii) a claim. The specific wording of the claim shall be in formal terms to the ornamental design for the article (specifying name of article) as shown, or as shown and described.

(2) Pursuant to Article 7(2) and Rule 12(3) of the Agreement, the United States of America declares that, as an Examining Office under the Agreement, the prescribed designation fee referred to in Article 7(1) of the Agreement shall be replaced by an individual designation fee, that is payable in a first part at filing and a second part payable upon allowance of the application. The current amount of the designation fee is US $1,230, payable in a first part of US $430 at filing and a second part of US $800 upon allowance of the application. However, for those entities that qualify for ''small entity'' status within the meaning of section 41(h) of title 35 of the United States Code and section 3 of the Small Business Act, the amount of the individual designation fee is US $615, payable in a first part of US $215 and a second part of US $400. In addition, these amounts are subject to future changes upon which notification to the Director General will be made in future declarations as authorized in Article 7(2) of the Agreement.

(3) Pursuant to Article 11(1)(b) of the Agreement, the United States of America declares that the law of the United States of America does not provide for the deferment of the publication of an industrial design.

(4) Pursuant to Article 13(1) of the Agreement, the United States of America declares that its laws require that only one independent and distinct design may be claimed in a single application.

(5) Pursuant to Article 16(2) of the Agreement, the United States of America declares

that a recording by the International Bureau under Article 16(1)(i) of the Agreement shall not have effect in the United States of America until the United States Patent and Trademark Office has received the statements or documents recorded thereby.

(6) Pursuant to Article 17(3)(c) of the Agreement, the United States of America declares that the maximum duration of protection for designs provided for by its law is 15 years from grant.

(7) Pursuant to Rule 8(1) of the Agreement, the United States of America declares that the law of the United States of America requires that an application for protection of an industrial design be filed in the name of the creator of the industrial design. The specific form and mandatory contents of a statement required for the purposes of Rule 8(2) of the Agreement are contained in section 1.63 of title 37 of the Code of Federal Regulations of the United States.

(8) Pursuant to Rule 13(4) of the Agreement, the United States of America declares that the period of one month referred to in Rule 13(3) of the Agreement shall be replaced by a period of six months as to the United States of America in light of the security clearance required by United States law.

(9) Pursuant to Rule 18(1)(b), the United States of America declares that the period of six months referred to in Rule 18(1)(a) of the Agreement shall be replaced by a period of twelve months with respect to the United States of America, as the Office of the United States of America is an Examining Office under the Agreement.

[Singapore Treaty on the Law of Trademarks (Treaty Doc. 110–2)]

Section 1. Senate Advice and Consent subject to a condition.

The Senate advises and consents to the ratification of the Singapore Treaty on the Law of Trademarks adopted in Singapore on March 27, 2006 and signed by the United States at Singapore on March 28, 2006 (Treaty Doc. 110–2), subject to the condition of section 2.

Section 2. Condition.

The advice and consent of the Senate under section 1 is subject to the following condition: Report on Amendments to the Regulations. Not later than 60 days after the Assembly has agreed to an amendment to the Regulations pursuant to Article 22 and Article 23 of the Treaty, the Secretary of State shall transmit the text of the amendment to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

The PRESIDING OFFICER. A division vote has been requested. The question is on the resolutions of ratification. Senators in favor of the ratification of these treaties, please rise.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. REID. I ask unanimous consent the motions to reconsider be laid on the table, that the President of the United States be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent the Senate now return to legislative session.

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

CELEBRATING TOP HONORS BY GIRLS IN THE SIEMENS COMPETITION IN MATH, SCIENCE, AND TECHNOLOGY

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 397.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 397) recognizing the 2007–2008 Siemens competition in Math, Science and Technology and celebrating the first time in the history of the competition that girls have won top honors.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 397) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 397

Whereas the Siemens Competition in Math, Science and Technology was first held in 1998 and is one of the top science competitions in the country for high school students;

Whereas Isha Himani Jain, 16, is a senior at Freedom High School in Bethlehem, Pennsylvania, and placed first in the individual category for her studies of bone growth in zebra fish;

Whereas Janelle Schlossberger and Amanda Marinoff, both 17, are seniors at Plainview-Old Bethpage John F. Kennedy High School on Long Island and won the team category for creating a molecule that helps block the reproduction of drug-resistant tuberculosis bacteria;

Whereas Alicia Darnell is 17 and a senior at Pelham Memorial High School in Pelham, New York, and won second place in the individual category for research that identified genetic defects related to amyotrophic lateral sclerosis (Lou Gehrig's Disease);

Whereas Caroline Lang, 16, Rebecca Ehrhardt, 15, and Naomi Collipp, 16, of Pennsylvania and New Jersey took fifth place in the team category for their project on the safe elimination of E. coli bacteria;

Whereas the awards were announced on December 3, 2007, at New York University and mark the first time that young women have won the grand prizes in both the individual and team categories of the Siemens Competition: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Siemens Foundation, sponsor of the Siemens Competition in Math, Science and Technology, for its contributions to science education and academic excellence;

(2) congratulates all the competitors and finalists in the Siemens Competition in Math, Science and Technology;

(3) celebrates the many contributions of women in the fields of math, science, and technology on the occasion of the first time that young women have won both the individual and team grand prizes in the Siemens Competition; and

(4) recognizes the dedication of parents, educators, and organizations such as the Siemens Foundation in helping young men and women achieve academic excellence.

PROVIDING FOR A TEMPORARY EXTENSION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT

Mr. REID. Mr. President, I ask unanimous consent we move to H.R. 4252.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4252) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

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

The bill (H.R. 4252) was ordered to be read the third time, was read the third time, and passed.

ORDERS FOR MONDAY, DECEMBER 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Monday, December 10; that on Monday, following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume consideration of the farm bill, H.R. 2419.

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

PROGRAM

Mr. REID. As I announced earlier, there will be no rollcall votes Monday. However, the farm bill will be up for consideration, and I expect that amendments will be offered during Monday's session as they were today.

Earlier today, we whittled down the farm bill amendments by approximately 25 percent. I also anticipate we will have a vote prior to the caucus luncheon recess period.

ADJOURNMENT UNTIL MONDAY, DECEMBER 10, 2007, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 3:14 p.m., adjourned until Monday, December 10, 2007, at 3 p.m.