

1508(k)(4) (as amended by section 1906(2)) is amended—

(1) in subparagraph (A), by striking “Except as provided in subparagraph (B)” and inserting “Except as otherwise provided in this paragraph”; and

(2) by adding at the end the following:

“(E) REIMBURSEMENT RATE REDUCTION.—For each of the 2009 and subsequent reinsurance years, the reimbursement rates for administrative and operating costs shall be 4.0 percentage points below the rates in effect as of the date of enactment of the Food and Energy Security Act of 2007 for all crop insurance policies used to define loss ratio, except that the reduction shall not apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

“(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance shall be 17 percent of the premium used to define loss ratio for that reinsurance year.”.

(c) FUNDING AND ADMINISTRATION.—Notwithstanding section 2401, section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2007” and inserting “2012”; and

(2) by striking paragraphs (3) through (7) and inserting the following:

“(3) The conservation security program under subchapter A of chapter 2, using \$2,317,000,000 to administer contracts entered into as of the day before the date of enactment of the Food and Energy Security Act of 2007, to remain available until expended.

“(4) The conservation stewardship program under subchapter B of chapter 6.

“(5) The farmland protection program under subchapter B of chapter 2, using, to the maximum extent practicable, \$110,000,000 for each of fiscal years 2008 through 2012.

“(6) The grassland reserve program under chapter C of chapter 2, using, to the maximum extent practicable, \$300,000,000 for the period of fiscal years 2008 through 2012.

“(7) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

“(A) \$1,345,000,000 for fiscal year 2008;

“(B) \$1,350,000,000 for fiscal year 2009;

“(C) \$1,385,000,000 for fiscal year 2010; and

“(D) \$1,420,000,000 for each of fiscal years 2011 and 2012.”.

Mr. SCHUMER. Mr. President, I rise today to offer an amendment to Senator HARKIN’s substitute amendment to the farm bill. I commend Chairman HARKIN, Senator CHAMBLISS, and all the members of the Agriculture Committee for their hard work during the drafting of this farm bill.

I particularly thank the committee for its commitment to making this bill the most fair in our country’s history. The committee’s farm bill includes all agricultural producers, not just growers of commodity crops. With new programs for specialty growers and expanded protections for dairy and livestock producers, this bill is truly a winner for all parts of the country.

I thank my colleague from Iowa once again, now that he is in the Chamber, for his great work and for being inclusive as he always is.

I am here this morning offering an amendment I believe builds on the spirit of the committee’s bill. This amend-

ment increases funding for vital conservation programs that are important to all working farmers. It provides an additional \$480 million over 5 years to the Environmental Quality Incentives Program, EQIP; an additional \$65 million over 5 years to the Farmland Protection Program; and an additional \$60 million to the Grassland Reserve Program.

To offset these increased payments, the amendment makes small reductions in the Federal subsidies of crop insurance. It increases the cut in administration and operations payments to 4 percent, above the committee’s 2 percent, and retains the important snap-back provision Senator ROBERTS introduced.

The amendment also raises the underwriting gain share to 12.5 percent. That is the level to which the House raised it.

Working farmers are the most important stewards of our natural resources. Farmers and ranchers own 70 percent of the land in the country. They deserve help from the Government preserving these resources because all Americans benefit from them.

I would also like to add, I am in full support of the amendment—I am a cosponsor, in fact, of the amendment—the Senator from Ohio, Mr. BROWN, has offered. This amendment is along the same lines, and I will not ask for a vote on it if his amendment succeeds because I think it is an outstanding amendment.

With that, I yield back the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate now recess until 2:15 p.m.

There being no objection, the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota is recognized.

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

The PRESIDING OFFICER. There is 41 minutes on the Republican side and 84 minutes on the majority side.

Mr. CONRAD. I wish to be alerted by the Chair when I have consumed 10 minutes.

The PRESIDING OFFICER. The Chair will be happy to do that.

Mr. CONRAD. Mr. President, I want to respond to the proposal by Senator LUGAR and Senator LAUTENBERG to substitute the Food and Energy Security Act of 2007 with the so-called FRESH Act.

Senator LUGAR and Senator LAUTENBERG are senior Members of this body, very much respected by Members on both sides. I have enormous respect and admiration, and I even have affection for both of them. But I must say, when it comes to farm policy, we have a stark disagreement. Senator LUGAR believes we would be better off if we simply disposed of the current farm safety net in favor of a revenue program with no price floor. Savings would be invested in conservation, nutrition, and specialty crop agriculture. I believe those are good priorities, in terms of where the money would go, but I remind Members of the Senate that the work of the committee—by the way, the bill came out of committee without a single dissenting vote. It is true we didn’t have a rollcall, so I don’t know how members might have expressed themselves, but nobody asked for a rollcall or asked to be recorded in the negative.

The fact is we increased each of those areas that is addressed in the FRESH Act. We increased conservation over the baseline by \$4.5 billion. We increased nutrition by \$5.3 billion over the baseline. We increased specialty crop resources by \$2.5 billion. Those are all very large increases. The biggest percentage increase went for conservation.

When it comes to investing in the things Senators LUGAR and LAUTENBERG care about, the committee did a good job. So if this is not about investments in those areas, what is the real difference? I don’t think this bill is about resources for other areas; I think it is largely about finding a way to gut existing commodity programs.

I have heard statements in support of the FRESH Act that amount to broadsides against existing policy. So let me respond to some of the arguments we have heard from the other side. Let’s examine the attacks on the distribution of farm program benefits.

The critics say only 43 percent of all farms received payments. The critics say that 57 percent of farms unfairly operate without a safety net. The critics say the largest 8 percent of all farms receive 58 percent of the farm program benefits. All of those statements have some element of truth, but they don’t tell the whole story. They don’t come close to telling the whole story. In fact, taken alone, I think they completely misrepresent the reality of the farm program. Let’s look at each of these claims in turn.

According to the Economic Research Service, farming operations receiving no Government payments had an average household income of over \$77,000 per year. But the farm income portion of that was only \$1,000. So when the assertion is made that almost half of the

farms get no farm program benefits, guess what. Those people are not farmers. They have an average income of \$77,000, and only a thousand of it comes from farming operations. Those people are not engaged in farming in any meaningful way. What this tells me about the 57 percent of farms operating without a safety net is that a big chunk of them aren't much into farming at all. The largest portion of them farmed only marginally, or do so as a hobby.

Our own son is in that category. They have a little farm, with over \$1,000 in receipts. So they are counted in all of the statistics as being a farmer, because that is all it takes—\$1,000 of receipts—and you are counted as a farmer. But he has a job in town, a full-time job. He is basically a hobby farmer. Yet they are saying he should be getting farm program benefits; that it is unfair because he is not getting farm program benefits. No. That applies to the first argument.

The absurdity of trying to claim that these producers are terribly mistreated is the fact that the FRESH Act's own risk management accounts would not allow them to participate either. So I guess what is good for the goose is good for the gander. That is because the eligible participant is someone with an AGI from farm operations of \$10,000 or more. They would not count them as farmers at all. If the proponents do not call the majority receiving Government payments farmers, why should they be clamoring to find support for them in the commodity support provisions?

Part of the problem is the way farmers are defined for statistical purposes. To quote from the Economic Research Service:

Most establishments classified as farms are too small to support a household because the official U.S. farm definition requires only \$1,000 of sales to qualify as a farm.

So the first criticism we hear is without merit. I would like to think of farm households as those that actually obtain a significant portion of their income from a farming operation. When you look at those households, you get a completely different picture.

This chart shows where Government program payments go when compared to gross receipts of farming operations. You see a very different reality. If you look at all of the farms with gross farm receipts above \$50,000, you will see that only 23 percent of roughly 2 million total farms are responsible for 90 percent of farm receipts. But their share of Government payments is actually somewhat less, totaling just over 81 percent.

So here is the reality. Those with receipts of over \$50,000 account for only 23 percent of farms, but they do 90 percent of the business and they get 81 percent of farm program payments. Actually, it is somewhat less than their percentage of actual production.

The group signified on the left, with sales less than \$50,000, constitutes

nearly 77 percent of farms, but produces about 10 percent of gross farm receipts. Yet their share of Government payments is nearly double their percentage of those gross receipts. Let me emphasize that: 77 percent of farms, as tallied by the USDA, are below \$50,000 in receipts. They do about 10 percent of the production and get a disproportionate share of the benefits.

It is amazing what different conclusion one reaches when one actually re-searches the underlying facts.

I will repeat that first statistic again. Farms with gross receipts of over \$50,000 account for only 23 percent of our farms, but they produce 90 percent of the foodstuffs we consume, and they receive 81 percent of Government payments.

When you drill deeper into the data, farms with receipts of less than \$10,000 constitute 58 percent of total farm numbers. Yet they produce less than 4 percent of total farm production and still receive 7 percent of Government payments.

So the conclusion one reaches, if one actually examines these data, is totally different than the story being told by the critics. These statistics from USDA's Economic Research Service clearly show how Government payments go to those actually producing the food. That is what is happening. You get farm program benefits roughly in relationship to your share of production. That is the way it is designed to be. That is the way it is. Don't let anyone try to tell you something different.

To the extent there are farming operations that don't participate and yet provide a great deal of sales, this farm bill seeks to help them through investments in specialty crop agriculture and a broad-based disaster assistance program. But to suggest that the vast majority of farms is being mistreated by the farm program is simply false. It is not true; it is not fair; it is not accurate. In fact, the smallest producers get a bigger share of Government payments relative to receipts than do the largest producers.

Also, I seriously question how replacing the marketing loan, counter-cyclical, and direct payment programs with area and farm revenue programs would change how payments are distributed.

In fact, these free "revenue" programs would almost certainly follow production, and they don't have any internal payment limitations or adjusted gross income limitations provided in the titles being eliminated. They would concentrate payments even more.

The PRESIDING OFFICER. The Senator has used 11 minutes.

Mr. CONRAD. I ask to be alerted when I have taken another 5 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. CONRAD. The FRESH program would actually concentrate payments even more. Wouldn't that be ironic? The proponents of the bill are trying to make the case that the policy con-

tained in the committee bill violates our trade commitments. All of this talk of trade violations or potential actions against the United States on trade can be a bit confusing for Members. Let me attempt to reduce the confusion.

First, the current WTO rules limit our trade-distorting domestic support to \$19 billion a year. The Congressional Budget Office says payments under this farm bill will be less than that. When it comes to potential actions against the United States by countries such as Brazil and Canada, it appears they are throwing the kitchen sink at us, hoping to make something stick. It has gotten so ridiculous that Brazil even claims that excise tax exemptions on off-road fuel are a trade violation. You have to admire them for their creativity. We cannot write a farm bill based on some agreement that has yet to be written. Sometimes we do a pretty good job of predicting the future here, but I don't know how we can direct what a future trade agreement might look like. To say we are violating an agreement that has not been written, made, or passed is an empty exercise. It is our responsibility to write a policy for agriculture that is in the best interests of America, not in the best interests of those who want to be critics.

The reductions in support to crop insurance that are contained in this alternative proposal could destroy the program. Cutting \$25 billion from the crop insurance program will lead to companies simply walking away and crop insurance not being available when it is desperately needed.

I believe crop insurance needs a serious look, needs reform, but taking an axe to it is simply, I believe, simplistic and counterproductive. I would rather we do a serious study on how to reform crop insurance and follow those results, rather than an ad hoc vote here on the floor.

I want to direct colleagues' attention to the potential catastrophic impacts this bill would have on farm income if this amendment were adopted.

Texas A&M did an analysis by actually going to farms across America and looking at their books and records and determining the effect of this amendment on those farms and their incomes.

Twenty-four of the twenty-five representative crop farms would see more than a 25-percent reduction in their cash income. Seventeen of the representative crop farms would experience more than a 25-percent decline in ending net worth by the end of the period.

With lower commodity prices the "provisions do not come close to providing the same amount of support as the programs in the 2002 farm bill, and should such a low price scenario occur in the future, most of the farmers and ranchers would not be able to survive the erosion in farm income without some additional Government support."

This is a bankruptcy proposal for rural America if prices turn down. Let's be clear about the consequences of this amendment. It can be summed up in two words: mass bankruptcy. That will be the result if a proposal such as this is adopted and, God forbid, prices decline, and decline sharply, and we have seen that repeatedly in agriculture.

Essentially, what this study says from Texas A&M is, if prices remain high, the impacts of this bill would be substantial, but when low prices return—and they have a bad habit of returning in agriculture—proposals such as the FRESH Act would pull the rug out from under our producers and result in financial ruin for them. That is what the experts at Texas A&M have concluded.

I don't think the American people are interested in mass bankruptcy in rural America. For those who would like you to believe that our farm policy has not benefited the people of our country and, indeed, the people of the world, I will leave my colleagues with the words of a recent Wall Street Journal article.

I ask for an additional 5 minutes.

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

Mr. CONRAD. This is what the Wall Street Journal said:

The prospect for a long boom is riveting economists because the declining real price of grain has long been one of the unsung forces behind the development of the global economy. Thanks to steadily improving seeds, synthetic fertilizer and more powerful farm equipment, the productivity of farmers in the West and Asia has stayed so far ahead of population growth that prices of corn and wheat, adjusted for inflation, had dropped 75 percent and 69 percent, respectively, since 1974. Among other things, falling grain prices made food more affordable for the world's poor, helping shrink the percentage of the world's population that is malnourished."

We never hear it from the critics, but the Wall Street Journal is reporting that one of the key reasons for the economic boom in the world is the increase in productivity in agriculture led by the West, led by our country. That amazing increase in productivity has in real terms dramatically reduced the cost of corn and wheat by 75 percent and 69 percent since 1974. I think those words should be taken to heart.

U.S. agricultural policy has provided enormous advantages to all of our citizens and to the world. I cannot imagine what would happen without it.

I conclude by reviewing the distribution of funding for this package and the investments made in nutrition and conservation.

Under the bill proposed by the Senate Agriculture Committee, the amount for commodity programs is reduced more than 11 percent, to 13.6 percent of total outlays, while establishing many new programs to benefit speciality crop producers.

Spending for nutrition programs remains at about two-thirds of total outlays. Let me repeat that. Where is

most of the money going in this bill? Where is most of the money going? It is going to nutrition. That is the bill that came out of the committee. Sixty-six percent of the money is going for nutrition. We don't hear that from the critics, but that is a fact. Less than 14 percent is going for commodity programs, and that is an 11-percent reduction from the previous bill.

This bill, the bill out of committee, represents a significant redirection of resources in areas we all know is necessary. And we didn't need to gut farm programs to make these investments.

I hope my colleagues will reject this proposal and support the committee package that is before us. It is responsible, it is good for taxpayers, it is good for farmers and ranchers, it is good for the economy, it is good for nutrition, it is good for conservation. It deserves our support.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to propose a unanimous consent request. First, I wish to let everybody know where we are. A vote was originally scheduled for sometime around 3:45 p.m. It is likely to be a little bit before that. My understanding is that Senator LAUTENBERG has some comments he wants to make on this amendment. I will make some comments. Senator LUGAR may have additional comments he wishes to make before the vote.

Following the vote on the Lugar-Lautenberg amendment, I ask unanimous consent that Senator GREGG be allowed 1 hour equally divided on his amendments Nos. 3671, 3673, and 3674; that following Senator GREGG, Senator ALEXANDER have 1 hour equally divided on his amendments Nos. 3551 and 3552; that following Senator ALEXANDER, Senator COBURN have 90 minutes equally divided on his amendments Nos. 3530, 3632, and 3807. Senator HARKIN may have some Democratic amendments that we may place among those amendments.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I discussed this with my colleague earlier, but we are also working on a unanimous consent request. There is another amendment we might want to insert. If my friend will withhold, I think we can work this out in a discussion, and then we can propound the unanimous consent request.

Mr. CHAMBLISS. That is fine. I withdraw my request.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The proponents of the amendment have 41 minutes remaining, and for the opponents of the amendment, there is 62 minutes remaining.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAMBLISS. Mr. President, I again ask unanimous consent that following the vote, which I understand is going to be at approximately 3:30 p.m., the following amendments be called up in this order: Senator GREGG's amendments Nos. 3671, 3673, and 3674; that debate be 1 hour equally divided; then following that debate, Senator ALEXANDER on amendments Nos. 3551 and 3553 for 1 hour equally divided; and Senator COBURN on amendments Nos. 3530, 3632, and 3807, with 90 minutes equally divided; and that these votes will be stacked for sometime tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Again, reserving the right to object, I, first of all, thank my colleague for working out this agreement. This is great progress. We have great time agreements. I appreciate his work in that regard.

I wish to make it clear, was it the intention of my friend to have them all in that order? Can they be in a different order when they come up or when people are here?

Mr. CHAMBLISS. The request does not pretend to set the order, the vote of the respective amendments.

Mr. HARKIN. Further reserving the right to object, I ask my friend, he said earlier if, in fact, a Democrat comes with an amendment on this side—I don't have one right now—that they could at that time work it in. We have at least one I know we might want to call up later today.

Mr. CHAMBLISS. Sure. We will be happy to amend it.

Mr. HARKIN. With that, I have no objections.

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois will state his reservation.

Mr. DURBIN. Do I understand the unanimous consent request calls for specific amendments after the pending amendment is voted on?

Mr. HARKIN. That is right.

Mr. DURBIN. I followed this in my office. May I ask the Senator from Georgia if he would be kind enough to tell me, I understand amendment No. 3671 is on his list, Senator GREGG's amendment.

Mr. CHAMBLISS. Yes.

Mr. DURBIN. What are those amendments?

Mr. CHAMBLISS. Amendment No. 3671 is striking the farm stress program, and amendment No. 3673 is the OB/GYN liability reform.

Mr. DURBIN. Is there another request?

Mr. CHAMBLISS. Amendment No. 3674, the mortgage forgiveness amendment.

Mr. DURBIN. In the Senator's unanimous consent request, is there any time limit on the amendments?

Mr. CHAMBLISS. Yes, 1 hour equally divided for all three.

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. HARKIN. Mr. President, I ask unanimous consent that the vote in relation to amendment No. 3711 occur at 3:50 p.m., with the time divided 45 minutes for Senators LUGAR and LAUTENBERG and 15 minutes in opposition, with the remaining provisions of the previous order remaining in effect.

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

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, before I speak to the amendment Senator LUGAR and I have offered, I wish to express my thanks to Chairman HARKIN and Ranking Member CHAMBLISS and the entire Agriculture Committee for the weeks of work that represent the foundation of this legislation.

I also particularly thank Senator LUGAR for bringing his experience and knowledge to the development of our amendment. His background carries the tradition of generations of family farming in Indiana, where over 600 acres of theirs are still under production, and he calls for farming to be continued as a significant part of America's culture. He understands how critical it is to our national well-being that family farms exist independently to produce the nutritious foods that help America maintain a healthy population.

Although I didn't grow up on a farm, I do have experience in the business world, and our alliance on this issue brings together two views on the farm bill and what we ought to do in the interest of our country. That business experience I had matches up well with Senator LUGAR's experience in this amendment because I learned in my business experience that fair and balanced competition for all products will result in quality products at low prices, and we ought not to be subsidizing the extremely well-off producers at the expense of family farmers who need help to continue to be able to offer their produce in the marketplace.

Writing a law such as the farm bill is no simple task, with the varied views

on how we put nutritious food on family tables at costs that are affordable. I believe the bill on the floor helps farmers and millions of Americans in several ways that fulfill our responsibility as public servants. For example, it imposes limits on the amount of taxpayer money that can be used to subsidize our already profitable farms. It offers opportunities to produce more renewable fuels to conserve energy and conservation to keep farmlands in existence.

Despite these improvements, we need more changes for serious reform. I know many of my colleagues agree with Senator LUGAR and me on the need to do more to encourage all farmers to continue to produce food and nourishment at the best quality and lowest possible price while they earn a livelihood.

America grows thousands of crops, but the bill before us includes \$42 billion in subsidies for only five—corn, cotton, rice, soybeans, and wheat. Most of that money goes not to struggling farmers who are spending long hours in the fields away from their families toiling to bring enough crops to market to merely get by and resisting the seduction of selling their land at high prices to developers for commercial purposes, but the money is going to those who are already raking in record profits, and I want to demonstrate what I mean.

This chart says it all: 10 percent of farms receive nearly 75 percent of the subsidies. Think of it—10 percent receive nearly 75 percent of the subsidies. The 10 percent of the farms we talk about from this chart are those well-off farmers and agribusinesses—the ones that are bringing in giant profits. As a matter of fact, they received \$120 billion in subsidies in the last 10 years. In fact, our current farm policy funnels subsidy checks into the mailboxes of millionaire landowners and agribusinesses across the country. Even someone who might have just become familiar with this situation in front of us would tell you that it doesn't make sense to fund huge farms and businesses while failing to help farmers continue producing crops essential to our national well-being on smaller farms that preserve the traditions that made America strong and independent.

We all recognize that the Agriculture Committee wants America's farms to thrive, our economy to be strong, and Americans to eat healthy foods, but I ask, if every farmer is helping to feed America, shouldn't America be helping every farmer? The answer is, without question, of course. We need a farm bill that helps farmers across the country regardless of where they farm or what they grow. We need a farm bill that invests in more than just crops. It must invest in nutrition and in healthier foods, such as fruits and vegetables, so that our children are not burdened with obesity, diabetes, and other serious illnesses that are the side effects of poor nutrition. It must provide more in

food stamps so that modest, hard-working parents who face tough times can still prepare quality, nutritious foods for their families to eat. And it must invest in conservation so that our green spaces do not fall victim to highrises and commercial buildings and so that we don't destroy the Earth that our children and grandchildren call home by turning it into concrete highways and buildings.

The Senator from Indiana, Mr. LUGAR, and I have offered a plan for reform. We are from different States and different experiences. My colleague, Senator LUGAR, grew up on a farm, whereas I grew up in the city, but when it comes to the farm bill, Senator LUGAR and I see eye to eye on the challenges America and its lands face, and we have a shared vision for the path forward. We see that our subsidies are for only a handful of crops in our country and are going to the giant agribusinesses instead of smaller farms. The taxpayer-funded handouts we turned over to those businesses in the last 5 years totaled \$72 billion. We gave them \$72 billion. Think about that. The profits of four out of the five largest crops that get subsidies will set alltime records this year.

This has been a prosperous year for a lot of people who run the large agribusinesses and the large profit-making farms. As I said, alltime records are being set this year, according to the Department of Agriculture. At the same time, crops such as fruits and vegetables and other nutritious foods we want to see on American tables do not get the same kind of help. My State of New Jersey, for example, has many farms in our densely populated State. We are called the Garden State for a reason. We have major growers of blueberries, cranberries, and lettuce, for example, near the marketplace. Those nutritious fruits and vegetables go directly from our farms to markets in the cities, saving unnecessary fuel and transportation costs while improving the health of our residents at the same time. But the current farm bill fails to aid and encourage these farmers across the country, and that is why the Lugar-Lautenberg amendment makes so much sense.

Our plan for reform will help every farmer in America grow their crops and feed the Nation. I demonstrate here what I mean.

As we refer to here, our amendment provides for free crop insurance to protect all farmers from major losses. Our plan replaces the current system of subsidies with smart and free insurance programs to protect all farmers from catastrophes such as drought or pest infestation. Whether farmers grows corn or cranberries, soybeans or squash, their livelihoods are protected so they can continue to provide nutritious meals that are essential for the health of children and families across the country.

Our plan guarantees that the income of farmers will not fall so severely that

they stop farming. It protects all farmers, most of whom will be covered against losses of 15 percent or more in any year whether they grow and harvest 20 acres or 2,000 acres.

This approach is not only more equitable for every farmer, but it is far less expensive—for them and for every American taxpayer. With the money we save, we are going to be able to invest \$2.5 billion more in nutrition programs, food stamps, and specialty crops such as potatoes, tomatoes, and oranges. With more support for nutritional foods such as fruits and vegetables, Americans can provide healthier meals and fight health problems such as diabetes and obesity, and more money for food stamps will help the 26 million Americans who rely on food stamps to stay alive and keep their heads above water, to feed themselves and their families.

It is shocking to note that some of the food stamp recipients are expected to survive on \$10 a month—think about that, \$10 a month. It is a paltry sum by any standard. We checked prices at a local supermarket recently, and if you add up the cost of a loaf of bread, a gallon of milk, a pound of cheese, and a dozen eggs, you are already over \$10. How is it possible for people to sustain themselves with that small amount of funds at their disposal? Helping those with the least is exactly what America is about. By increasing money for food stamps, our amendment goes in the right direction.

Our plan invests \$1 billion more than does the bill on the floor in conservation programs that assure farmers they can protect their land from pollution and urban sprawl. All of us see what is happening now to farmland, to the green areas. They are falling prey to development at paces that frighten us. Cities across the country are beginning to say no more development here. And the best way to stem the tide is to give farmers the ability to preserve and conserve their land. Right now our farmers who want to participate in these programs are limited because they do not have the funds.

Our plan invests a half billion dollars more into alternative energies. With oil prices and concerns about global warming on the rise, this investment addresses both of these urgent problems.

Finally, our reform plan does what the public wants us to do: to be good stewards of the taxpayers' money by putting \$4 billion toward paying down the Federal deficit. Think about it, our national debt is growing out of control, our deficits are growing, and we are constantly looking for ways to fund domestic programs. At least we will begin to arrest in significant part the growth of the annual deficit with \$4 billion at the same time we accomplish the goal of helping those who do farming, those who have modest pieces of land and have businesses that are difficult to maintain in this day of competition.

Every State in America has agriculture, so we need a farm policy that

helps every State. The plan that Senator LUGAR and I have offered is in the best interests of every American farmer and thus every American family. The men and women whose labor, sweat, and toil feed the Nation deserve nothing less, and we hope it will be recognized on the floor of this Chamber that we want to encourage farmers to stay on the farms; that we want to encourage the availability of products that are nutritional and will aid the health of our population.

I yield the floor and ask the remainder of my time be reserved for Senator LUGAR as he indicated he desired.

The PRESIDING OFFICER (Mrs. MCCASKILL) The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I rise in opposition to the amendment offered by my good friends, Senator LUGAR and Senator LAUTENBERG.

The purpose of this amendment is supposedly to "serve more farmers more fairly and be responsive to regional and national crises that endanger the continuing success of America's farmers."

For farmers in my region and in my State, this amendment does the opposite of that: if enacted, it would seriously endanger the success of my farmers.

This amendment removes the safety net that producers support, most of it immediately and the rest over a period of time. Here is what it does:

- phases out nontrade distorting direct payments that are critical for farmer financing and support;

- removes the availability of a non-recourse marketing loan that producers rely upon to market their crops;

- removes countercyclical support that is necessary in times of low prices;

- allows, without the limitation contained in the committee-approved bill, production of fruits and vegetables for processing on any base acreage, which is a serious concern to the specialty crop industry.

Madam President, 26 agricultural organizations have signed a letter urging Senators not to support this amendment because it eliminates the safety net provided to producers and shifts significantly more funding out of the commodity title.

I ask unanimous consent the letter be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, November 16, 2007.

DEAR SENATOR: We are writing to urge you NOT to co-sponsor or support S. 2228, the Farm, Ranch, Equity, Stewardship and Health (FRESH) Act, as either a stand-alone bill or as an amendment to the Farm Bill.

The FRESH Act eliminates the current safety net provided to U.S. producers and shifts considerable funding to conservation, nutrition, energy and other programs. It is easy to look at current high prices for most agricultural commodities and assume it is a "good time" to lower government supports. It is critical to remember that farm bills are

written for the long-term rather than short-term and that there is no assurance high prices will continue over the next 5-10 years.

Additionally, the commodity title of the farm bill has already taken a \$57 billion cut. In 2002 Congress committed \$98.9 billion to commodity programs. According to the March 2007 CBO baseline, commodity title outlays are projected at only \$42 billion over the life of the new farm bill. All told, the commodity programs are projected to be about 10% of total farm bill spending, while more than 80% of the farm bill spending is already slated for nutrition and conservation programs.

Our organizations support the safety net provided in the bill which was unanimously approved by the Senate Agriculture Committee. The stringent requirements placed on the risk management accounts that replace this safety net in the FRESH Act would not provide producers with the necessary flexibility to effectively manage their operations. Aside from crop losses, producers can face a wide range of challenges, including dramatically increasing input prices.

Our organizations believe the farm bill can live up to our current WTO obligations without gutting the critical safety net needed by producers. U.S. farm policy should continue toward a more level playing field in the global market by providing assistance to America's farmers. However, this goal is not achieved by writing a farm bill that complies with what someone assumes will be the potential outcome of the WTO negotiations.

Finally, while we support strong conservation, nutrition, and energy programs, additional support for these programs should not come at the expense of adequate funding for the safety net for American farmers.

We ask that you do not sign on as a co-sponsor or support S. 2228 as a stand-alone bill or as an amendment to the Farm Bill.

Sincerely,

American Farm Bureau, National Farmers Union, National Association of Wheat Growers, Southern Peanut Farmers Federation, USA Rice Federation, American Soybean Association, Peanut Growers Marketing Cooperative, North Carolina Peanut Growers, Virginia Peanut Growers, American Beekeeping Federation, Rice Belt Warehouses Inc., United Dairymen of Arizona, American Association of Crop Insurers, National Sorghum Producers.

US Rice Producers Association, Crop Insurance Professionals Association, American Sheep Industry Association, National Council of Farmer Cooperatives, Western Peanut Growers Association, National Cotton Council, American Sugar Alliance, National Barley Growers Association, National Sunflower Association, USA Dry Pea & Lentil Council, US Canola Association, and American Honey Producers Association.

Mr. CHAMBLISS. Senator LUGAR's amendment replaces the current safety net with several measures—two of which are related to crop insurance and revenue protection.

I greatly appreciate Senator LUGAR's interest in expanding crop insurance coverage, because there are very few farmers in my State who are even eligible to purchase the coverage Senator LUGAR uses as a component of his safety net. I appreciate his interest in expanding the Group Risk Income Protection—GRIP—and Group Risk Protection—GRP—which are county-level revenue plans of insurance, but I have serious concerns about building the safety net around these programs as a replacement to traditional commodity programs.

While GRIP and GRP may be popular, workable programs in Indiana, they are not in Georgia. Of the 159 counties in my home State, these policies are only offered in: for soybeans, 7 counties; for corn, 9 counties; for wheat, 4 counties; for cotton, 16 counties; for peanuts, about 25 counties.

In Georgia in 2006, only 47 of these policies were sold and earned premium; 47 for the whole State out of over 13,000 total policies sold and earning premium. Only seven of those triggered indemnity payments. One of those 47 producers called my office and said he wished he had never taken it because it did not provide individualized coverage.

Let's look at participation in States in which this coverage is more widely available. Nebraska in 2006 sold 576 GRIP and GRP policies of the 90,896 total policies sold and earning premium. That is less than 1 percent of all policies. Kansas in 2006 sold 110 GRIP and GRP policies out of a total of 117,984. Again, less than 1 percent of all policies. South Dakota in 2006 sold 20 GRIP and GRP policies out of a total of 59,648 policies. Again, less than 1 percent of all policies. North Dakota in 2006 sold 9 GRIP policies and 0 GRP policies out of a total of 69,539 policies. Again, less than 1 percent of all policies. Illinois and Indiana have a different experience: 20 percent in each of these States were GRIP/GRP policies.

I am very glad these products are viable risk management tools in Illinois and Indiana and possibly other States, and I want those folks to continue to use them. But I wonder why producers in these other States aren't purchasing these products. And I question how prudent it is to include these products as a significant component of a replacement so-called safety net when few producers are voluntarily purchasing them in most places except Illinois and Indiana.

Again, while I appreciate Senator LUGAR's interest in expanding this coverage, I do not support it as a replacement to the safety net provided in the committee-approved bill, which contains a safety net that producers have voiced support for and works especially for my home State.

Crop insurance has experienced tremendous growth and success since the enactment of the 2000 reform bill. In 2007, farmers insured more than 271 million acres, with an estimated crop loss liability of \$67 billion. In my home State in 1994, only 38 percent of eligible acres were insured; and in 2006, 89 percent of eligible acres were insured.

In the committee-approved farm bill, over \$4.7 billion has been taken out of the crop insurance program to fund other farm bill priorities. These savings were achieved to answer criticisms of the program and improve operational efficiency. We have tried to manage these funding reductions in a way that will not unduly harm the program or the delivery system.

Because crop insurance is a Federal program that is supported through a

blend of private and Federal reinsurance and delivered through private insurance providers and a network of agents nationwide, we have to be careful in making any changes to the program. There must be sufficient financial incentives for providers and agents to provide appropriate service to their customers yet not so lucrative as to waste taxpayer dollars. The financial strength of the insurance providers is critical to the reinsurance community providing financial and risk-bearing support to the insurance providers. Commercial reinsurance helps assure the economic stability and continuity of the insurance providers in delivering and servicing the crop insurance policies.

By requiring a ceding of 30 percent of risk by companies to USDA and a much deeper cut in the administrative and operating—A&O—expense reimbursement to providers than the committee-approved bill and the House-passed bill, Senator LUGAR's amendment will have serious negative effects on the delivery system that could impact service and the availability of coverage in many States.

After the House passed its farm bill this summer, the reinsurance community sent me a letter expressing concerns about significant cuts the House made to the A&O expense reimbursement as well as the required increased quota share by USDA. For reference, the House cuts were greater than those in the committee-approved bill but less than what Senator LUGAR proposes.

Specifically, the letter signed by 13 reinsurers states that the House's proposed reduction in A&O will further strain the insurance providers' ability to properly deliver and service the crop insurance program.

The letter notes that there is a justifiable and widespread concern that even fewer insurance providers will exist in the future. There are 16 approved insurance providers nationwide. That does not mean 16 providers in every State—some States have as many as 16, others have less. This issue raised by the reinsurance community should be concerning, especially for those of us whose States have fewer insurance providers than the current nationwide total.

The letter states that if reinsurers sense that insurance providers will be unable to subsidize further the costs of processing and claims settlements, reinsurers will likely exercise extreme caution in providing private reinsurance. Creditworthiness is paramount for reinsurers, which do not need and do not want to support thinly capitalized and/or overleveraged insurers.

The letter also maintains that allegations about the insurance providers earning excessive profits in recent years are unwarranted and inaccurate.

Madam President, I ask unanimous consent to have this letter printed in the RECORD.

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

## CROP INSURANCE

RESEARCH BUREAU, INC.,

*Overland Park, KS, September 18, 2007.*

Hon. TOM HARKIN,  
*Chairman, Senate Committee on Agriculture,  
Nutrition and Forestry, Washington, DC.*

Hon. SAXBY CHAMBLISS,  
*Ranking Member, Senate Committee on Agriculture,  
Nutrition and Forestry, Washington, DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: The undersigned represent a cross section of the private reinsurance community engaged in the Federal Crop Insurance program. Private reinsurers are a critical element in a successful program because they afford standard reinsurance contract holders the ability to offer it on a truly national basis. Our continued presence is predicated upon the overall strength and viability of the program. The provisions in the House version of the Farm Bill give us considerable pause for concern.

The crop insurance program has enjoyed unqualified success since the private sector was introduced in 1981. This success is measured in terms of the percentage of eligible acres insured today versus those acres insured in 1981. Today roughly 80% of eligible crops are insured versus less than 20% in 1981. Furthermore, the numbers of crops that are eligible for insurance coverage today have also increased significantly since 1981. This success in insuring over 242 million acres has created an economical safety net for America's farmers—and a safety net for the entire rural community that depends upon a strong agricultural economy.

Discussions on the crop insurance program usually focus on the farmers and those companies that deliver crop insurance—the Approved Insurance Providers (AIP). However, a critical component to an AIP's operation is the reinsurance, which the AIP purchases from the private sector.

Many legislators seem to assume the only reinsurance that is needed is that which is provided by the Standard Reinsurance Agreement (SRA). The crop industry needs, and relies upon, so-called commercial reinsurance to supplement the reinsurance provided to the AIPs under the SRA. Commercial reinsurance provides two essential benefits to an AIP:

1. This reinsurance provides financial and risk-bearing support to the AIP whereby the AIP can deliver crop insurance over a greater geographic area and/or assist the AIP in delivering a greater number of insurance policies than the AIP could normally provide on their own.

2. This commercial reinsurance provides a vital economic backstop to the AIP.

Therefore, the commercial reinsurance helps assure the economic stability and continuity of the AIP in delivering and servicing the crop insurance.

As Congress continues its review of various aspects of the crop insurance program, the commercial reinsurance industry has noted certain aspects that may have an undesirable impact on the crop insurance industry if these various aspects are implemented.

## REDUCTION IN ADMINISTRATIVE AND OPERATING EXPENSE (A&amp;O):

The proposed reduction in A&O will reduce the income to the AIPs and will further strain their ability to properly deliver and service the crop insurance program. From a reinsurer's perspective, there is a justifiable and widespread concern even fewer AIPs will exist in the future. There were some 55 AIPs in the late 1980s. Today there are only 16 AIPs. The reduction in the number of AIPs is directly attributable to the historical reduction in the A&O percentage. Quality, accurate and timely service is of utmost importance in order that policies are processed

properly and that insurance claims are settled properly. If reinsurers sense that AIPs will be unable to subsidize further the costs of processing and claims settlements, leading to a heightened perception of their financial vulnerability, reinsurers will likely exercise extreme caution in providing private reinsurance. AIP creditworthiness is paramount for reinsurers, which do not need and do not want to support thinly capitalized and/or over leveraged insurers.

#### INCREASED QUOTA SHARE BY FCIC:

Certain legislators have alleged that the crop industry AIPs have made "excessive" profits in recent years. These statements are simply unwarranted and inaccurate. The time span used to support this allegation is too short in its duration and simply ignores all statistical principles of insurance. Because loss experience always reverts to the mean, in the coming years droughts, excessive moisture, disease, e.g. Asian soybean rust, and a multitude of other perils will erode the profits that have been earned in recent years. Profits are needed to balance the inevitable losses; hopefully the resulting balance will result in, appropriate long-term profits in order that the crop insurance industry can continue to provide returns on equity adequate to continue to attract the support of the reinsurance community.

The foremost consideration of the reinsurance community is the financial viability of the AIPs. Erosion in the financial strength of the AIPs will cause the reinsurance industry to reconsider their support of the industry and will negatively impact this vital aspect in the delivery of the crop insurance program. Excessive budget balancing at the expense of the crop insurance industry is short sighted. The crop insurance program has provided—and must continue to provide—farmers, lenders, and rural constituents a known, predictable economic safety net.

We appreciate the opportunity to share our thoughts with you and urge you to continue your support of the crop insurance program.

Sincerely,

AON Re; Collins; Cooper Gay Intermediaries, LLC; Endurance Reinsurance Corporation of America; Farmers Mutual Hail Insurance Company; Fireman's Fund Insurance Company.

Guy Carpenter & Co., LLC; Mafire Reinsurance Corporation; Munich Re Group; Partner Reinsurance Company of the U.S.; Swiss Reinsurance Company; Totsch Enterprises Inc.; Western Agricultural Insurance Company.

Mr. CHAMBLISS. An independent study was recently shared with my staff about the profitability of the Federal crop insurance community. National Crop Insurance Services, NCIS, is an international not-for-profit organization representing the interests of more than 60 crop insurance companies. Representatives of NCIS recently shared the results of an independent study of the Federal crop insurance program compared to the Property & Casualty, P&C, insurance industry for the period of 1992–2006. Key findings include:

The Federal crop insurance program is not as profitable as the P&C industry and writing Federal crop insurance entails greater risk;

under the current standard reinsurance agreement, SRA, which is the contractual agreement between USDA and approved insurance providers for delivering the program, A&O reimbursements continue to be below actual Federal crop insurance expenses incurred by private insurers.

Although the latter finding indicates crop insurance companies' costs are not fully covered by the Federal Government, the committee-approved bill contains an A&O reduction of 2 percentage points below the rates currently in effect for policies except in a State in a year in which the loss ratio is above 1.2. The policy basis for this was to answer criticisms concerning costs of A&O reimbursements while providing an exception in cases where loss adjustments and claims processing will be much greater. We believe this is a balanced approach to reducing A&O expenditures.

The crop insurance industry and the crop insurance program make a significant financial contribution in the committee-approved bill, but not to the detriment of the delivery system as under Senator LUGAR's amendment.

While there are parallels between conservation provisions in this bill and those in the committee bill, there are important differences.

The committee bill is more comprehensive and incorporates important new emphases on forestry, specialty and organic production, wildlife, and pollinators, among others.

The committee bill addresses the significant challenges in existing programs that stakeholders have identified, such as the appraisal process in WRP and FPP, CSP scope and delivery, third party eligibility in GRP, and delivery of technical assistance.

The committee bill includes new flexibilities to improve and accelerate program delivery through improvements to technical service provider provisions, producer group participation, and partnerships and cooperation.

For all the above reasons, I respectfully request that my colleagues vote against this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Madam President, I wish to acknowledge the importance of the arguments that have been forwarded by my colleagues, especially those comments most recently by the distinguished ranking member of the Agriculture Committee and earlier by Senator CONRAD, the Chairman of the Budget Committee and also a very valued member for a long time of the Agriculture Committee.

I think it is important in response, as the Senator from North Dakota pointed out, as he described the situation, that we have to take his common sense that farms that produce much more are likely, under the current farm legislation, to receive more in subsidy and payments of various sorts.

There have been certainly comments made on our side of the question that a disproportionate amount of money goes to a very few farmers. Senator CONRAD attempted to rebut that by pointing out that these very few farmers may very well produce, in some States, the bulk of all that is produced.

So as a matter of common sense, if payments are being made, they would

receive a very large share of those payments. Certainly, that logic is impeccable. The point the Lugar-Lautenberg amendment tries to bring to the floor is that leaving aside specific farmers, we are talking about the interests of all the American people, all the taxpayers who make these payments, in fact, to a very few.

We are making the point that farmers who do produce a lot of corn or wheat or soybeans or cotton are very likely to be more successful. I pointed out in my opening statement how farms have grown, how successful farmers have purchased the farms of those who were elderly or from the estates or from young people who have moved away from the States or from young people who do not have the wherewithal to buy property.

In short, what I describe is the consolidation of agriculture in America, which is a pretty strong trend and which I believe the underlying farm bill we are discussing today would accelerate. I think that would be regrettable. Therefore, the point I am making with our amendment is not to discuss whether, proportionately, subsidies go to those who are most successful and produce the most but, rather, to say we should not have these payments at all.

What we should have is a safety net for all farmers, including large and the wealthy as well as those who are not very wealthy and not very large, an underlying safety net of crop insurance based upon each county in America, so it is not a broad-gauge situation, it is a very locally specific situation, taking into consideration presumably the soil, the weather pattern, the history of crops in that particular county in America, or the farmer could choose to take the last 5 years of net farm income and have crop insurance based upon that farm history, a whole farm history, not simply of a specific crop, although the farmer would have the option under our plan of choosing a specific crop.

The farmer could choose whole farm income across the board, including a great number of items that are not now covered in these specific crop situations. The bill we are talking about now provides that insurance. It literally pays the premiums for all farmers, so in the event that in any particular area of America, by county, by State or by region, there is difficulty created by the weather or conceivably by world trade distortions, elements that are well beyond the ability of any one individual farmer's management to control, that farmer is going to receive compensation that will keep that farmer in business.

Now, furthermore, the farmer would have the option of buying additional crop insurance, as each of us as farmers now do, to cover the other 15 or 20 percent, depending upon the plan chosen, so that, in fact, you could ensure you were going to at least receive the same income as you have received over the

last 5 years, on average, or receive at least the computed predictions of what the price ought to be for soybeans or for corn.

Let me say, as a practical example, that I take our own experience on the Lugar farm indicative of how this might work. We have had a profit on our farm for the last 50 years. Every year. Now, one reason we have had those profits is because we have had crop insurance and we have bought the highest level of crop insurance that was possible. We paid premiums for it. It was not given to us. We paid money for it.

A good many farmers who are neighbors said: I do not want to put that expense into insurance. I will let the Lord provide, sort of hope it will all work out. But it does not always work out, given the weather patterns.

On our farm, in this soybean season, we had very adverse weather. We had drought during many of the weeks of the summer coming up toward harvest. Fortunately, it did not injure the crop totally. We had at least a 41-bushel yield, and we could have anticipated normally more like 51, about a 20-percent deficiency. But that is the way things move in this world. We understand that.

The antidote has been crop insurance. So if you have a productive farm operation, you are not penalized because of acts of God, literally, through the weather.

Now, that is what we are proposing for all farmers in America and covering all the crops that are associated with our amendment. I think this is a very important discrepancy.

The distinguished ranking member of the Ag Committee, Senator CHAMBLISS, has described the current three-legged stool proposition I discussed earlier today. Direct payments. Direct payments historically on my farm, once again, we receive now under the bill that is being produced, the underlying bill, direct payments whether we have the same number of acres or even the same crops. It is a historical record from which these payments come.

Furthermore, we could, under the so-called marketing loan situation, try to game the system, trying to borrow money from the Federal Government and pay it back in lesser amounts, depending upon the crop moving upward, moving downward. We do not lose.

I would say this is not a fair system with regard either to agricultural competition or with regard to the rest of the public. The public, as a whole, wants to make certain farmers stay in business, wants to make certain small farmers have a shot at it, wants to pay at least for the insurance premiums so if there is an adverse situation, it could not be controlled, the income will come in and the farm stays alive. This is what the argument is about.

Now, let me simply indicate, as the distinguished ranking member has pointed out, 26 farm groups have endorsed the underlying bill. I have no

doubt that is true. I would say there are a good number of agricultural interests deeply involved in this bill, and that has usually been the extent of the argument. Those are the groups that are heard in the hearings, are heard sometimes by Senators.

But this time we have had a different situation. I have cited that over 40 major newspapers in the United States of America have taken time in their editorial policies, and furthermore in supporting articles, to point out the deficiencies of farm legislation as it has evolved.

But this represents, I would submit, a much larger group than 26 agricultural groups or even members of our committees who believe they are advocates for specific groups in American agriculture. This time a very broad number of Americans have spoken out in a humanitarian way, as people who respect the Federal budget, as people who respect general fairness, in terms of group and Federal support for those situations.

I think that is very healthy. I hope that will be reflected in the vote we are about to have. I am convinced a large majority of constituents in every State of our Union would favor the Lugar-Lautenberg FRESH amendment if they had any idea of the argument that is being presented today. Thank goodness through our newspapers and editorials, a lot more people do have such an idea, and they are expressing themselves.

Let me make a technical point, and that is that an argument has been made that if we are so reliant, as I have pointed out, on crop insurance, that the Lugar-Lautenberg amendment will hurt crop insurance. I want to recite some specifics about the technicalities of crop insurance. For the moment, crop insurance companies are reimbursed by the Federal Government as a percentage of the cost of the policy. So as commodity prices have increased, so has the reimbursement of private companies, even though the workload has not changed. If, in fact, there is huge demand now for corn, huge demand for soybeans, the prices have gone up, in the case of soybeans, to record levels, exceeded only last in 1973. The compensation to the crop insurance people moves right along with it, without any of the risk involved changing. The GAO described this as "a kind of windfall." Our amendment reduces the reimbursement to a rate that is still well above historical averages and, furthermore, we create a safety net through crop insurance programs dramatically increasing business opportunities for private crop insurance companies.

As has been cited by the distinguished Senator from Georgia, many crop insurance policies may not be available in certain counties in his State and in others, but under our amendment, crop insurance is available everywhere, every county, every State. That is a very important consideration in terms of a national safety

net as opposed to a crop-specific or State-specific safety net.

The GAO has reported crop insurance underwriting profits of \$2.8 billion over the last decade, three times the insurance industry average. The amendment I am offering today with Senator LAUTENBERG also reduces underwriting profits by requiring companies to share 30 percent of their accumulative underwriting gain back with the taxpayers, back with the Federal Government, so there is not an undisguised windfall. We have estimated this will save taxpayers more than \$1.4 billion and reduce the outlays in the 10 years this bill covers.

I point this out because I think it is important to say our amendment is going to be a remarkable boon for crop insurance. It is going to be virtually universal. A lot of money is going to be made. But before we get into that, we had better change the terms of reference with regard to what taxpayers are paying for and the underwriting risks that are involved.

I point out one further argument; that is, that we have been talking about the relative merits of our amendment when it comes to conservation. We have not discussed differences with regard to research. We might have talked more about development in rural areas. I tried to make the point in an earlier statement that only about 14 percent of the people now living in rural America live on farms. Only about 1 out of 750 individuals actually does farm. The need for development in our rural counties is obvious. The population flight from so many counties is very apparent. If we are talking about rural America, we have to be talking about ways in which new jobs will come to counties in America, and that is not going to come through a normal farm bill situation, rewarding specific farmers and specific crops and not all of those. I point out that our amendment tries to focus on rural America, on the opportunities for jobs for people in county seats all over our country.

I also point out that we have tried to think through the problems of the young. We have tried to talk about resisting the trend toward consolidation of agriculture by truly providing support for the small farmers who do not receive much support. And, as has been pointed out, they don't produce as much, and they never will under the circumstances currently in American agriculture. We think it is very important that young people coming out of college have this choice and, furthermore, that families who do have a tradition of farming not be entrapped by current circumstances that are driving clearly toward much more concentrated management and ownership of American agriculture.

I would say that the reason why a farm such as we have in the Lugar family in Marion County, IN has great hopes for the future is that some great things have occurred in agricultural research. It is a small point in all of this

debate, but I touched upon this a moment ago in describing the soybean price. I could have discussed the evolution of prices of corn in the last 3 or 4 years. The fact is corn and soybeans are now being utilized for energy. The demand for these grains for energy is controversial all by itself. There are some outside of this Chamber as well as inside this body who would say there is a danger that food supplies are going to be converted into energy. Some have even theologially said this is not what God suggested. It should not be energy, it should be food. Others have suggested that the price of corn, because it is going up abnormally, some would say, to provide ethanol is driving the rest of American food costs up. Ditto for soybeans. Some even make the case that it is driving world food prices upward, that residents of very poor countries are now forced to pay more for food because of our policies of using food for fuel.

I appreciate this is an argument that will go on in many circles well beyond this one for a long time. But I also point out that the President of the United States and the leaders of both of our major political parties have for some time said this Nation is now two-thirds dependent upon foreign oil in terms of our petroleum needs. That percentage is increasing. Those sources of supply are more and more precarious and sometimes very unfriendly. The fact is, despite all of our conservation efforts, we are still using more oil each year. If we do not have a policy that even moves toward a slight bit of energy independence—not total, which I would agree is not within the cards as we now see life in our country—if we don't move at least to eliminate a portion of that vulnerability, we are going to have very severe consequences in terms of our own jobs, our competitive ability in the world, quite apart from the ability to drive our cars and heat our homes. We understand that.

I point out that the agricultural research that got ahead of the curve here has made possible huge changes in agricultural income in this year as well as in the last year, and will continue to do so, if we continue our research on cellulosic ethanol, if we continue our research on all of the ways in which agricultural food and fiber might play a role in this and then how we increase the yields. To believe that somehow because we have increased the acreage of corn this year and we are running out of land, that that is the end of the story, is to deny a fact I remember from boyhood onward. My dad was receiving about one-third as much yield out of our cornfields as we are getting now. I have seen that in the last 60 years of time. There are many who would point out that on our farm we could do a whole lot better. I am all ears for that, as are most productive farmers. In short, we are at the threshold of potential for income. Therefore, to have a debate mired in the thought that we must maintain all the sub-

sidies and the programs that as a matter of fact have been so expensive, have brought about concentration, have led even to a loss of jobs in rural America makes no sense at all, in my judgment. We have to talk about the future.

I would say furthermore that, speaking about those abroad, 10 bishops from a church in Africa came to visit with me and I suppose with others in this body. They pointed out specifically that the cotton programs we support debilitate their hopes of coming into self-support in many very tough situations in their countries. They suggest, leaving aside the World Trade Organization criticism of the cotton program specifically and perhaps the opportunities Brazil may have to extract \$4 billion out of somewhere in our economy that may be hitting other crops under the order they may receive, that we need to have reform, that the specific policies that are now a part of that program for cotton, they could apply it likewise to corn or to beans, are simply not going to work in a world that also has a humanitarian focus on feeding people, on humane results, on foreign policy that has at least some public diplomacy that works.

I agree with them. I would say to cotton farmers or to soybean farmers or corn farmers, let's make sure we do have an underlying safety net. Let's make certain there cannot be catastrophe to hit any of our groups. Let's do it by State, by county, by local circumstances, by history. Let's do it right. But it is another thing to demand, as a cotton farmer or a corn farmer or a soybean farmer, payments upfront, regardless of what happens, and likewise the ability to game the Government with regard to these marketing loans. I would say on the face of it, taxpayers generally, persons of humane quality in our country, are not going to like the looks of that kind of program. That has been the nature of our program in the farm bill that we have been experiencing and in the one that is about to continue.

I add finally the situation this year in this debate. I agree it is always oversimplified, but let me try to tell it as I saw it. In the House of Representatives, the farm groups, whether it was the 26 Senator CHAMBLISS referenced or others, came in. They saw their Members, and they said: We want every penny, every penny of what we got in the past and more. We want those farm programs and we don't want them touched. However, the Members also began to hear from humanitarian groups, groups that wanted to feed Americans, interested in Food Stamps. Oxfam came in. People in conservation came in in numbers. People in energy research came in. And so pragmatically, the House committee said: Fine, we will do more for each one of you, a whole lot more, as a matter of fact. We are going to add to programs. And they did. So they took the whole block of the farm subsidies as they were and added on all of these additional pro-

grams. Then at the end of the trail, they said: We have a pay-go system, and so they added a tax bill offered by Representative DOGGETT who was outside the farm community but at the same time had an idea over in Finance as to how some money might be raised with regard to certain commercial foreign interests he saw. So you pay for it that way and ship the whole thing along, hoping that many constituencies will be pleased now and that the basic farm subsidies will not be touched, might even be enhanced.

In our situation in this body, we had an even more curious situation. The distinguished Senator from North Dakota who spoke earlier was a proponent, along with others, of a disaster relief program, a huge one. That went over to the Finance Committee, had the Finance Committee discussing the farm bill; as a matter of fact, making a huge contribution to the farm bill.

That particular disaster relief, as I can best fathom, would be run by some bureaucrats in the Treasury Department, that somehow would be signalled when there is a disaster and would send the money over by electronic means.

It is an unusual situation in which we have no idea how much this might cost, and actuarially I think the assumptions are not very sound. But it was an interesting way of meeting at least one particular objective and trying at least to find some other way of paying for it through an unusual clause in tax law.

I mention all of this because this kind of legislation is not good, is not necessary. I hope Members will, in fact, know there is a strong alternative—the FRESH Act, the Lugar-Lautenberg amendment—that they will vote for that, and they will make a sizable difference in the history of farm legislation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I ask that the vote originally set at 3:50 p.m. be moved to an immediate vote.

Have the yeas and nays been requested?

The PRESIDING OFFICER. They have not.

Mr. LUGAR. I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to amendment No. 3711.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 417 Leg.]

YEAS—37

Allard	Enzi	Murkowski
Barrasso	Feinstein	Nelson (FL)
Boxer	Gregg	Reed
Brown	Hagel	Schumer
Bunning	Kennedy	Snowe
Cardin	Kerry	Specter
Carper	Kyl	Sununu
Casey	Lautenberg	Voivovich
Collins	Lieberman	Warner
DeMint	Lugar	Webb
Domenici	McConnell	Whitehouse
Durbin	Menendez	
Ensign	Mikulski	

NAYS—58

Akaka	Dole	McCaskill
Alexander	Dorgan	Murray
Baucus	Feingold	Nelson (NE)
Bayh	Graham	Pryor
Bennett	Grassley	Reid
Bingaman	Harkin	Roberts
Bond	Hatch	Rockefeller
Brownback	Hutchison	Salazar
Burr	Inhofe	Sanders
Byrd	Inouye	Sessions
Cantwell	Isakson	Shelby
Chambliss	Johnson	Smith
Coburn	Klobuchar	Stabenow
Cochran	Kohl	Stevens
Coleman	Landrieu	Tester
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lincoln	Wyden
Craig	Lott	
Crapo	Martinez	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The amendment (No. 3711) was rejected.

Mr. CONRAD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

AMENDMENT NO. 3819

Mr. BROWN. Madam President, on behalf of Senators SUNUNU, MCCASKILL, DURBIN, and SCHUMER, I am proud today to offer the reduction of excess subsidies to crop underwriters rescue amendment to the farm bill.

The rescue amendment is based on a simple premise. When resources are limited, we cannot afford to waste them. We cannot afford to overpay crop insurance—

Mr. HARKIN. Will the Senator yield for a question?

Mr. BROWN. Yes.

Mr. HARKIN. Is the Senator talking about his amendment on crop insurance, the one the Senator laid down the other day?

Mr. BROWN. Yes, it was laid down on Friday.

Mr. HARKIN. I ask the Senator if he would yield, without losing his right to the floor, for Senator CHAMBLISS to make a unanimous consent request, at the end of which time the Senator would regain the floor.

Mr. BROWN. Of course.

Mr. CHAMBLISS. Madam President, I request of the Senator from Ohio, how long does he intend to speak?

Mr. BROWN. Five minutes.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that following the 5 minutes for the Senator from Ohio, the Senator from New Hampshire, Mr. GREGG, be recognized for 30 minutes, equally divided, on three amendments: Nos. 3671, 3672, and 3674.

Mr. DOMENICI. Reserving the right to object, Madam President—

Mr. HARKIN. Does that include the medical?

Mr. CHAMBLISS. No.

Mr. DOMENICI. Madam President, I wanted to ask the Senator for whom the 30 minutes is being reserved, and the managers, if they would grant me 6 minutes before they start to inform the Senate about the status of a project that I think is vital and they should know about.

Mr. GREGG. Madam President, I have no objection. I want to make sure we are working off the same page on amendments to be offered. I will reserve the right to object to make sure we are on the same page.

Mr. CHAMBLISS. Madam President, let me try this one more time. I ask unanimous consent that the Senator from Ohio have 5 minutes to discuss his amendment, the Senator from New Mexico be recognized for 6 minutes, and then the Senator from New Hampshire be recognized for 30 minutes, equally divided, to debate three amendments. The first is No. 3671, the farm stress program; No. 3672, which is to strike the asparagus provision; and No. 3674, which is the mortgage forgiveness amendment.

Mr. GREGG. Madam President, I would be happy to do that approach. In talking to the Senator from Michigan, who has an interest in the asparagus program, if this is not a convenient time for her, I will substitute the amendment on the emergency funding, which is No. 3822, for the asparagus one, No. 3672, unless the Senator is ready to go.

Mr. CHAMBLISS. I believe she said she is ready to go. So the Senator from New Hampshire will be recognized for 30 minutes, equally divided, on those three amendments.

Mr. HARKIN. Mr. President, just a minute. I have now been informed there is objection on our side to including No. 3674, which has to do with the mortgage crisis.

The Finance Committee has informed me they want to take a look at this amendment on the mortgage crisis before we agree to a time.

Mr. GREGG. Reserving the right to object, I suggest I be recognized to offer those three amendments and set a time limit at the convenience of the managers. I am agreeable to a time limit. I can proceed to offer them and my colleagues can work out the time agreements.

Mr. HARKIN. I say to my friend from New Hampshire, there is an indication from some on our side that a couple of those amendments, Nos. 3674 and 3673, I

am now informed, will both perhaps require 60 votes.

Mr. CHAMBLISS. Madam President, let's try this one more way. I ask unanimous consent that the Senator from Ohio be recognized for 5 minutes, the Senator from New Mexico be recognized for 6 minutes, and then the Senator from New Hampshire be recognized to discuss his amendments, whatever they may be; that following him, the Senator from Tennessee, Mr. ALEXANDER, be recognized.

Mr. GREGG. Reserving the right to object, I am wondering, does this mean we are not going to have votes on the amendments I am offering?

Mr. CHAMBLISS. There will be no more votes today.

Mr. GREGG. No, but is it the understanding that at some point, we are going to get to votes on the 5 amendments that are part of the original 20 amendments that were agreed to?

Mr. CHAMBLISS. Yes.

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

The Senator from Ohio is recognized.

AMENDMENT NO. 3819

Mr. BROWN. Madam President, our bipartisan amendment, on behalf of Senators SUNUNU, MCCASKILL, MCCAIN, DURBIN, and SCHUMER, takes dollars from where they do not belong—that is, heavily subsidized crop insurers—and invests them in priorities with a return to the United States, as nutrition programs, conservation programs, and initiatives that create sustainable economic development in other countries which, after all, is the key to strong export markets.

Our amendment does not increase the cost of crop insurance for any farmer. That is an important point. It merits repeating. Our amendment does not increase the cost of crop insurance for any farmer. Instead, it reduces the excessive taxpayer-funded fees that crop insurers receive for servicing their customers.

The savings from this amendment will be invested in programs that work—programs such as McGovern-Dole which provides school lunches to the over 100 million children around the world who suffer from hunger.

There is a reason the House provides \$800 million in mandatory funding for this program; the Senate provided none. There is a reason this program was developed by and is named after two of the most notable Members of this body. The reason is this program stands out. It melds compassion with common sense, feeding the hungry and building sustainable economies in the developing countries, making our country safer.

We responded to a hostile Communist threat in Europe with the Marshall Plan. Our best response to a hostile threat overseas is to provide help in nutrition and education to people who desperately need it.

This amendment is also about ensuring the appropriate funding levels for conservation programs. We have done a

good job with conservation in the Senate farm bill and much of that credit goes to Chairman HARKIN. We can do better, and it will pay off for our Nation to do so.

The Farmland Protection Program received no increase in funding from the committee-passed bill. Yet it is crucial to the protection of family farms.

The Environmental Quality Incentives Program, EQIP, protects water quality and provides farmers and ranchers with the tools they need and want to be good environmental stewards. Yet three out of four applications go unfunded.

Our amendment invests in these resource conservation programs.

Importantly, it invests in human decency. It invests in preventing Americans from going hungry. How, in the wealthiest country in the world, can we let too many of our people be hungry? More Americans are struggling to make ends meet, and with the savings from our amendment, children who rely on food stamps will not have to go to bed hungry.

It is a smart amendment.

I know some of my colleagues are skeptical about the amendment's "pay-for." Some of my colleagues don't want to take money from crop insurers. That is why we must take a serious look at the excessive subsidies in the Federal Crop Insurance Program.

Federal crop insurance is an essential part of the farm safety net and will continue to be in the future. However, billions of dollars that are intended to benefit farmers are instead siphoned off by large crop insurance companies.

Since 2000, farmers have received \$10.5 billion in benefits from crop insurance, but it has cost taxpayers \$19 billion: \$10 billion in benefits, it has cost taxpayers \$19 billion to deliver those benefits.

Where does the difference go? According to a GAO report, crop insurance companies take 40 cents out of every dollar that Congress appropriates to help farmers manage the risk of agricultural production. What kind of good business sense is that?

In the same report, GAO finds crop insurance company profits are more than double industry averages. Private and casualty insurance has 8.3 percent; Federal crop insurance is literally more than double the rate of profit.

Over the past 10 years, crop insurance companies have had an average rate of return of 18 percent compared to just over 8 percent for the comparable private property and casualty insurance companies.

Let me repeat, no farmer under the Brown-Durbin-McCaskill-McCain-Sununu amendment, no farmer will pay more for crop insurance because of this amendment. The Federal Government sets Federal crop insurance premium rates. This amendment does not change any of that.

This amendment will require that crop insurance companies share a

greater portion of their underwriting gains with taxpayers. It is only right in a true public-private partnership that both sides benefit fairly.

This amendment also reduces the exorbitant—and I mean exorbitant—administrative fees that crop insurers receive for each policy they sell. A GAO report shows that per-policy subsidies to insurance companies will be triple what they were less than 10 years ago.

This amendment will reduce administrative subsidies for each policy to the national average from 2004 to 2006. It is not a huge cut. It says to the crop insurance companies: Let's go back a couple years. You were getting well compensated and well subsidized. Why should we do more than that? With high commodity prices, this is still well above every year prior to 2006.

This amendment provides common-sense reforms to a system of subsidies that has simply spun out of control.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, first, I regret I had to ask for time in the middle of debate on such a serious subject. I will talk about an issue that is not related.

It looks to me as if the Senate, once again, will be forced to consider a tax package we know is likely to be vetoed. We considered an energy tax increase in June on the Senate floor, and the Senate rejected it. We considered an energy tax increase on the Senate floor last Friday, and the Senate rejected it. Now we will be forced again to consider what I understand is a \$21 billion tax increase that is likely to be vetoed. I hope that, once again, the Senate will reject it.

But while we delay in playing these games, we jeopardize the passage of the CAFE standards and a real increase in much-needed renewable fuel standards should be able to be put to work, and we will be reshaping the flawed amendment that was sent to us by the House on that score.

I urge the majority to reconsider this attempt to force another vote on taxes, and that provision we have been told by the President will be vetoed.

I cannot answer the question why is it going to be vetoed, why can't we do it another way, why can't we negotiate, why can't we have part of the taxes. All I know is the President says: If you send me this tax bill, no matter how good it is, with \$21 billion in taxes, it is dead; I will veto it.

I wish to tell my colleagues, I have been in this Senate for 36 years, and for 20 years of it, we have been trying to change the CAFE standards on automobile fleets in the United States. Increasing the CAFE standards to 35 miles by 2020 will be the biggest conservation initiative for transportation fuels in years.

Additionally, increasing the renewable fuel standard will bring thousands of jobs to rural America and help reduce our increasing dependence on foreign oil.

All this good work will be put at risk by the inclusion of the \$21 billion tax increase. I urge my colleagues on the other side to stand back from this risky decision and let us pass a bill and send it to the House that does not include these taxes, and we will get one of the most important amendments we could ever do for saving transportation fuel.

Let me start over: The most important area where we abuse the use of fuel—that is, fuel that comes from crude oil—is in the transportation system. What we are trying to do is to modify the CAFE standards to force the production of higher mileage cars in the fleets of America.

We are told by the best expert in the world, who testified before one of the committees, there is nothing else we can do that will increase our savings of crude oil and diesel than this particular provision of CAFE modification.

I say to everyone, the fact is, you think you need taxes, you know you want taxes, you say when are you going to get these taxes, and you say they ought to be on this bill. I say to you: If you put them on this bill, you don't get the taxes and you don't get the big energy savings part of this bill. What do you say? You are going to do it anyway? What are you going to do it for? We might as well throw the bill in the basket here. We don't have to fool around and waste time. Put it in the basket and throw it away, because if you insist on putting the \$21 billion on and sending it back to the House so they can play games, they will keep the \$21 billion and then the President will say: I told you not to do it. Here it is. Goodbye.

I urge that the best opportunity to get major energy-saving legislation is with CAFE standards modification, and with it this other provision which will give us ethanol 2, which will be for rural America to begin producing not by corn but other than corn, producing ethanol for transportation fuel.

I believe I cannot say it any better. It is wasted time and effort to pass a bill with \$21 billion worth of taxes. We will not get either the taxes, which will lose, and we will not get the energy savings portion.

I thank my colleagues for giving me an opportunity to speak to the Senate. I hope those proposing this legislation will understand it cannot be done. I cannot fix it. I cannot help it. It is the President. Who will get him to change his mind? He will not do it. I have asked him. He will not do it.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENTS NOS. 3671, 3672, AND 3674

Mr. GREGG. Madam President, I rise to speak about amendments which I have pending to the agriculture bill. I hoped they would be voted on today. I guess there is a fundraiser this evening on the Democratic side of the aisle which allows us to not have any more

votes. Certainly, I hope most will be voted on tomorrow.

There are five amendments which I have proposed to the bill to try to make it a better bill, although it is a bill that has very serious problems. Let me talk about that quickly.

This agriculture bill comes forward every 5 years. It is a reauthorization of the farm programs. The practical effect is every year consumers get sort of taken to the woodshed behind the barn and get fleeced. This is no change from that historic activity under the farm bill. Only this time the fleecing is happening by the use of jiggling numbers and gamesmanship of numbers.

There is \$34 billion of spending in this bill which is done through gimmicks—gimmicks to avoid what is euphemistically called pay-go around here, gimmicks to avoid budget points of order, gimmicks to make this bill cost less than it actually costs—\$34 billion, with date changes and things such as that.

Then there is another game that is played, which is money which has historically been spent by direct mandatory spending is taken from the mandatory spending accounts and moved over to the tax accounts. Basically, in the conservation area, where we used to have, I think, \$5 billion or \$3 billion of mandatory accounts spending, we now have \$5 billion or \$3 billion of what is known as tax credits.

What is the practical effect of that? What it does by moving that spending over to the tax side is you free up that amount of money on the spending side, on the mandatory side to be spent, with the practical implication that the bill jumps in its cost by that amount of money. So you have a fairly significant increase by doing that. In the end, that adds to the deficit, of course, because you have ended up increasing spending by that amount of money.

In addition, the bill adds a large number of new programmatic activities through the subsidy realm. We already subsidize a lot of farm products around here in a questionable way. Sugar is a good example of that. We basically subsidize sugar so that the price of sugar in this country is about 75 percent higher than it is on the world market. That has an effect not only on the cost of sugar but it also has an effect on things such as the production of ethanol, because ethanol can be produced from sugarcane.

In addition, we subsidize all sorts of different commodities. As we know, the farm bill is the classic example of what you learned in school called log rolling. That is where you say, if you will vote for my subsidy, I will vote for yours, and down the road we go. You vote for wheat, I will vote for corn, corn will vote for soybeans, soybeans will vote for peanuts, peanuts will vote for cotton, and so forth and so on. So although none of these subsidies could stand on their own, when they get in this sequential support effort, they build a very solid wall of support for a

lot of programs which are of questionable need, and certainly of questionable value when you look at a market economy, and we are supposedly a market economy. Of course, in the farm area we are not a market economy, we are a throwback to a commissar economy.

Well, in this bill they add a number of new programs. They add an asparagus payment, they add a chickpea payment, they add a camellia subsidy, and they create new programs in the area of a national sheep and goat industry. They create a new program to look at the stress farmers are under. So they add a panoply of new programmatic activity in this bill, most of which is of questionable value, but it obviously has some interest group which promoted it and, therefore, it gets put in the bill.

What I have done is I have lined up five amendments here which I think are fairly reasonable and address a number of issues—policywise big issues, and from a farm standpoint some of them address fairly narrow and concise issues.

The first amendment which I have offered—which has been offered on my behalf by Senator THUNE, but which I will call up and ask for a vote on as soon as we can get to it, as soon as we can get people to give us votes around here—is the mortgage forgiveness amendment. What we are seeing in America today, whether it is in farm America, rural America, or in urban America, is obviously a huge meltdown in the subprime lending markets. The effect of that meltdown is that many people are finding their mortgages foreclosed on, which is obviously an extremely traumatic event, to have your house taken in a mortgage foreclosure. I can't think of too many more traumatic physical events than that. Obviously, there are more traumatic health events, but not too many more physical events or economic events.

Well, when you have a mortgage foreclosed on, you have a second totally incomprehensible event. The IRS assesses you a tax on the amount of the money which you owed to the bank, or to the lender, which you couldn't repay and which was wiped out in the foreclosure.

For example, if you have an obligation to a bank of \$150,000 and your home is foreclosed on, and it is sold for something that recovers \$100,000 of that, then that \$50,000 difference becomes personal income to you and the IRS sends you a tax bill for it, even though you got foreclosed on. Well, can you think of anything worse than that? I can't, from the standpoint of economics happening on a daily basis—a person loses their home and then the IRS collection agents come by and say you owe us X number of dollars because your home was foreclosed on.

Well, this amendment would put an end to that. It would say that will not be deemed income to the taxpayer, so that a taxpayer whose home is fore-

closed on does not receive the double whammy of having a tax bill sent to them. It seems pretty reasonable to me. I can't imagine anybody is going to oppose this amendment. I would hope it would get a very large vote. It is not subject to a point of order, because the cost of it is within what is left on the pay-go scorecard, to the extent there is anything left on the pay-go scorecard, it having been shredded. But Senator CONRAD said last week there was \$670 million left on the pay-go scorecard, which my staff confirms, as ranking member of the Budget Committee, and this amendment costs less than that. So it is in order, and I hope it will be supported. I think it is only the fair and right thing to do. I mean, this is a quirk of tax policy which, unfortunately, if you are caught in it as a citizen of America it is not a quirk, it is a devastation, and it is not right. Nobody, because their home gets foreclosed on, should suddenly get a tax bill for the amount the bank didn't recover from the home they sold.

The second amendment I am going to call up, and hope I can call it up very soon and get a vote on it, is already pending, and it is what I call the "baby doctors for farm families" amendment. Today, in rural America, there is a crisis in the area of health care. There are a lot of problems in health care across this country, but especially in rural America there is a significant crisis. The crisis is this: If you are a woman of childbearing age, or a woman, period, you are going to have a lot of trouble finding an OB-GYN. Why is that? Because baby doctors are being sued out of existence in rural America. As a result of the avariciousness of the trial lawyers in this country, and their constant attack especially on the practice of obstetrics and delivering babies, it is virtually impossible, it is extremely difficult for OB-GYNs to practice in rural communities, whether they are farm communities or rural communities.

Why is that? Because the base of practice, the number of people they can see, the number of babies they deliver never creates enough revenue to simply pay the cost of their malpractice insurance. And it is a crisis.

If you are a woman in a farm community and you have to drive 2, 3, 4 hours to see a doctor when you are having a baby, that can be a serious problem, obviously. It can be a serious problem on the face of it, but it is especially a serious problem in a place such as New Hampshire, where you are probably driving in a snowstorm or sleet or something else that is not very easy to drive in, and you shouldn't have to go that sort of distance.

We have suggested that simply in the area of baby doctors in rural America that we put in place something to support the women in those communities and make sure they have proper access to those doctors. Essentially, we are following the Texas and the California

proposal, where we limit pain and suffering liability in a manner which allows these doctors to have affordable malpractice premiums. It doesn't mean somebody who gets injured doesn't get recovery. They do. They get full and total recovery in the area of economics. They get significant recovery in the area of pain and suffering. But what we do not have are these explosively large verdicts which essentially make it impossible for someone to pay the cost of the premium to support an obstetrics practice in a rural area.

This proposal, which is very narrow and very reasonable, will serve a very large need in our country. It is to make sure that women get proper health care, and especially during their child-bearing years, in rural America. Again, I can't imagine this being opposed, but actually this one is being opposed aggressively by the trial lawyer lobby. They are opposed to anything that limits their income in any way, even when it is something as reasonable as saying in an area where we have a clearly underserved population, which is rural America and doctors serving women in rural America, doctors who deliver babies. They are going to stop any sort of reform that tries to make it possible to improve that situation.

We know this reform works. Why do we know it works? Because Texas has tried it. The language here mirrors Texas. Texas tried it, and what Texas has seen during this period when they put in this law is a huge influx of doctors who deliver children, who are baby doctors. So there is a track record. This isn't some sort of theoretical exercise. We know in practice that this works. I know if it were in place, it would give a lot of women in this country the comfort of knowing they were going to have a decent doctor, or any doctor—it would be a decent doctor, obviously—to care for them as they decide to have children.

I hope we can get to this amendment. But again, I am interested in the fact that this amendment is being stonewalled by the other side of the aisle. They are telling me, well, we can't vote on this amendment. Why? Because we have a fundraiser tonight. I wonder who is at that fundraiser, by the way? There wouldn't be any trial lawyers there. We can't vote on this amendment because we don't have our people here. Well, there ought to be enough votes to take care of women in this country so you wouldn't have to have extra people here to defeat a proposal which is fairly reasonable and which tracks a major State's decision and which has been proven to work when it comes to caring for women who want to have children. It is very narrow. Again, it only applies to doctors who deliver babies in rural communities, only applies to doctors who deliver babies in rural communities, only gives women an opportunity to get decent health care.

I have another amendment which I hope to call up, which I would like to have voted on fairly soon. And by the

way, I am agreeable to voting on all these tonight. I am agreeable to a half-hour timeframe. I am agreeable to voting them all tomorrow. So I am not holding this bill up. I am offering these amendments. They are pending and they are ready to go.

Another amendment I have says this new program of creating a farmers stress network should not be created. This is more of a statement. I mean how many new programs can we create in this bill? This is an unauthorized program. It is not funded. But I suspect it will be appropriated before we get too far down the road. But why do we need a stress program for farmers? Granted, farmers are under stress. I used to work on a farm, so I understand that farming is a stressful activity. But running a shoe store during an economic downturn is a stressful activity, running a restaurant is a stressful activity, running a garage is a stressful activity. There are a lot of activities in America that involve stress. Are we going to set up a stress network for every activity in America that has stress? And are we going to expect the Federal Government to fund it? Yeah.

My goodness, think of what we would have to do for our wonderful staff here. My goodness, we would have to have such a program it would be incredible, because we really give them a lot of stress. The simple fact is, you can't keep throwing these programs out there because they make good press releases. There are 51 new programs in this bill. Let us at least pick one of them that is so far off the ranch when it comes to being anything rational that the American taxpayer should have to pay for and say, no, we are not going to go this way. That would be a nice gesture. A gesture to the American taxpayer, I would call it. Kill the stress network.

Then I have an amendment which says the money in here for the asparagus program shouldn't be in here. I like asparagus. I have been accused of not liking asparagus, and that is why I am being bringing this forward. That is not true. I actually like asparagus. In fact, I have even grown asparagus. It is very easy to grow, after you get it cultivated. It takes 2 or 3 years to get a good asparagus bed, and you can grow a lot of asparagus, as long as you don't rototill over it. Then you kill it, which is what I did to my asparagus. But as a practical matter, there is no reason we should set up a new program for asparagus. This is going too far.

A lot is going too far in this bill, but this is another example of going too far. Now, granted, it is only \$15 million, but, again, I like to think of it as a statement on behalf of the American taxpayer that we are not going to spend that money on a brandnew asparagus program.

There are some others we should also throw out. The camellia program we should throw out, the chickpea program—these are all new programs. They should go out too. But I was only

allowed five amendments, and so I picked out the ones I think are most egregious and the ones I think we should make a little attempt to try to put some fiscal discipline into this bill.

Then there is one that is fairly big, which is my last amendment. There is \$5 billion in this bill which is the ultimate earmark. It is \$5 billion alleged to be an emergency fund for when emergencies strike farm communities. You have to understand how this works. Essentially this is a slush fund. It is a "walking around money" fund for about five States. It is, purely and simply, an earmark and a classic porkbarrel initiative.

We know that when we have an emergency in this country we will fund it, especially if the emergency is in farm country. We do it every year, and I believe historically it has averaged about \$3.5 billion. I think that is the number. It is off the top of my head as a budgeter. I think that is the number we usually spend on emergencies in farm communities. If it is bigger than that, we spend more than that; if it is less than that, we spend less. But when you put in place a program which exists before the emergency occurs, all you are saying is: Here is a bunch of money folks, come and get it. For every big windstorm that occurs in North Dakota, somebody is going to declare an emergency and try to get reimbursed for their mailbox that got blown over because the money is sitting there. It is that simple. It really is terrible policy to put this forward. You have absolutely set a floor. You know you are going to spend every year in this account, and you know it is going to go to four or five States because that is where the claims are made.

Much better is the approach we presently use, although not perfect, I admit to that. Much better is to identify it when the emergency occurs, know what the costs were when the emergency occurred, and then pay those costs in order to reimburse the farm community which has been impacted, which is what we do. And we do it in a fairly prompt and efficient way around here whenever there is such an event.

There is one emergency out there today, and that is the price of oil. The price of oil has jumped radically. As a result, the cost of heating in this country has jumped radically. People who are of low income, in States from the northern tier especially—places such as Minnesota, New Hampshire—people of low income are in dire need of additional funds in order to meet their heating bills or else, literally, they are going to be in the cold. They are going to spend this winter, as we head into February, in serious straits. In New Hampshire, we have already seen a significant increase in the number of people applying for low-income home energy assistance. This is not going to wealthy people. This doesn't even go to middle-income people. It just marginally goes to low-income people. It really goes to people in the lowest of low

incomes, people who really need that in order to make ends meet and keep their heat on in the winter.

What I am suggesting is if we are going to declare emergencies around here and spend money, let's use the money on a real emergency, something that actually exists where people are actually feeling the pain right now, today—in the area of paying for heating for low-income families.

In addition, I have suggested that we reduce the deficit because that is a pretty big emergency, in my humble opinion, getting this deficit down. So this amendment essentially says let's take \$1 billion and add it to the low-income heating assistance program and let's take the other \$4 billion and reduce the deficit with it. That is a pretty practical approach. That is addressing a need that exists today and a need that is going to exist tomorrow, which is to reduce the deficit, rather than adding to the deficit and creating an emergency spending account which basically ends up being a slush fund and walking-around money for folks in four or five States that traditionally declare emergencies.

Those are the five amendments. I regret quite honestly that we cannot get an agreement to vote on all of them right now. I would be willing to say: OK, let's debate all of them for half an hour and then go to a vote, in seriatim vote them—bang, bang, bang, bang. Obviously, I have serious reservations about this bill. I think it is very bad policy in a lot of areas. But I recognize that the votes are there to pass the bill, so I am not trying to delay it in some tactical or procedural way. I am suggesting just the opposite, that we proceed to vote on issues which are important, which include making sure people whose homes are foreclosed on do not end up with the tax man showing up the next day and saying they owe money on money they didn't ever see as a result of their home being foreclosed on; making sure that women who are having children can see a doctor in a rural community, that farm families have adequate access to baby doctors; making sure that people who are very low income have enough to be able to meet the heating costs of this winter, which we know are going to be 30 percent to 40 percent higher than they were last winter; making sure that we reduce the deficit; suggesting we eliminate a couple of programs which are not that big but which are sort of examples of an underlying problem, which is that there is a lot of new programmatic activity here that probably should not be here and there are a lot of new subsidies in here that should not be in here—the asparagus program and the farmers stress network program.

AMENDMENT NO. 3673

Madam President, at this time I would like to call up amendment No. 3673. I am not calling it up for a vote because I understand it is not agreed to, but I do want to call it up and send a motion to the desk.

The PRESIDING OFFICER. Is there objection to making this the pending amendment?

Mr. HARKIN. I am sorry, I didn't hear?

Mr. GREGG. I am calling up the medical malpractice amendment, not for a vote but because I want to second-degree it.

Mr. HARKIN. Madam President, reserving the right to object, but I think the Senator has a right to that—I object for the moment.

Mr. GREGG. Madam President, I ask for the regular order relative to amendment No. 3673.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3825 TO AMENDMENT NO. 3673

Mr. GREGG. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3825 to amendment No. 3673.

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

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

The amendment is as follows:

At the end of the amendment, add the following:

"This title shall take effect 1 day after the date of enactment."

Mr. GREGG. Madam President, at this point I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee will be recognized.

Mr. ALEXANDER. Madam President, may I ask that I be notified when I have 5 minutes remaining?

First, I would like to congratulate the Senator from New Hampshire for his, as usual, eloquent remarks, but I would like to congratulate him especially.

The PRESIDING OFFICER. How much time is allocated? How much time was agreed to for the Senator?

Mr. ALEXANDER. I believe I am recognized for up to 30 minutes?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Madam President, I congratulate the Senator from New Hampshire. He is usually eloquent, and he was again today. But the subject matter is not just eloquent, it is critical in the State of Tennessee.

There is a medical liability crisis, especially for women who live in rural areas. The fact is, as the Senator from New Hampshire has said, women who live in rural areas do not have access to doctors for prenatal health care. They do not have access to doctors to deliver their babies.

According to data from the Health Services and Resources Administration, in 2004, in 45 of Tennessee's 95 counties, pregnant mothers had to drive for miles to get prenatal care or

to deliver their babies. In 15 of those counties, pregnant mothers have no access whatsoever to any prenatal health care within their counties.

The Tennessean newspaper, on July 20, 2004, reported that only 1 of 104 medical students graduating from Vanderbilt University Medical School chose OB/GYN.

Dr. Frank Boehm said that:

We must not lose sight of the fact that one of the side effects of our current medical malpractice crisis in OB/GYN is the steady loss of medical students who are choosing not to practice one of our most important medical specialties. If the decline continues, patients having babies or needing high-risk care will be faced with access problems this country has not yet seen. The same story is true at the University of Tennessee Medical School in Memphis.

On any given day, there are more than 125,000 medical liability suits in progress against America's 700,000 doctors.

There is a way to fix this. The State of Texas has shown us how, and it is similar to the way Senator GREGG has suggested. Put a reasonable cap on punitive damages, but let there be unlimited liability for any real damages. That was done in Texas in the year 2005, and in the following year, last year, more than 4,000 doctors applied for licenses to practice in Texas. OB/GYNs and other doctors are pouring back into Texas—up 34 percent from the previous year—because of a change just like the one the Senator from New Hampshire has suggested.

I am happy for Texas, but I would like Tennessee and the rest of the country to experience the same thing. Senator GREGG is exactly right to point out the medical crisis that is caused when women who live in rural counties cannot have access to prenatal health care and care for their pregnancy and for their babies.

AMENDMENTS NOS. 3551 AND 3553

Mr. ALEXANDER. Madam President, I rise to speak in support of amendments Nos. 3551 and 3553, which were previously offered on my behalf.

The first amendment is No. 3551. This is an amendment which would add \$74 million to the last 3 years of the farm bill for agricultural research at land grant colleges or universities. Specifically, it would provide mandatory funding for the Initiative for Future Agricultural and Food Systems as follows: \$24 million in fiscal year 2010, \$25 million in 2011, and \$25 million in 2012. It would be fully offset by striking section 12302 of the tax title in the Harkin substitute amendment to the farm bill, which basically says that taxpayers in Georgia and in Tennessee, for example, will pay for transmission lines for ratepayers in North Dakota and South Dakota and in other States who want to build transmission lines through rural areas, primarily for wind energy.

I am here today to talk primarily about farm incomes, and I am talking about America's secret weapons for farm incomes in the day in which we live, which are the land grant universities of America. Iowa State is a great

land grant university. I imagine the University of Minnesota is a great land grant university in Minnesota. I know I was president of the University of Tennessee, which is our land grant university, and I confess to some bias because I think I am the only former president of a land grant university in the Senate.

Why is that so important? Earlier this year, we unanimously passed, after 2 years of work, a bill we called the America COMPETES Act. What it did was recognize America's brainpower advantage is what has given us our incredibly high standard of living.

In this last year, our country, the United States of America, produced about 30 percent of all the wealth in the world for about 5 percent of the people in the world—that is, our population. How did we do that? There are a variety of reasons, but primarily, since World War II, we have taken our brainpower advantage to create new jobs that have given us that great high standard of living. This amendment is about making sure we take advantage of that in the agriculture community. It will provide more competitive grants to our land grant universities so they can create value-added agricultural products, of which I have an example right back here.

Congress recognized the importance of this brainpower advantage our land grant universities have when it authorized the 1998 farm bill. It created something called the Initiative for Future Agricultural and Food Systems. In addition to farm income, this research was to be for future food production for environmental quality, for natural resource management, as well as, as I said, farm income.

Here is a specific example of the value-added opportunity I am talking about. There is a weed, I guess people would call it, called the guayule weed that grows out in the Southwest. Research that was done at the University of Arizona led to the development of a non-allergenic rubber product that is made from that plant that is as useful as latex rubber, for example, for gloves that we use with which to work. But it does not cause allergic reactions, as latex does, in 10 percent of our Nation's health care workforce. That is an example of the brain power advantage.

The University of New Mexico and the University of Tennessee are taking opportunities to use manure as sources of energy and as ways to create nursery crop containers. At Texas Tech University, the research that has come directly from the program I described that was started in 1998 has led to the development of a less toxic version of the castor seed created by using genetic modifications. This means we can grow more castor oil in this country instead of having to import it.

Now, one might say: Well, what is the big deal about castor oil? It tastes bad. It is what you take when you are sick. Not anymore. On the Defense Department's Critical Needs List there

are multiple uses of castor oil for military purposes, including lubricants, adhesives, pharmaceuticals, waxes and polishes and inks.

The Senator from Georgia and from Iowa will know very well the value-added advantage to our country of all the products that have come from soybeans. Our great land grant universities have led the way to create these extra farm incomes, these new jobs for our country.

There are 76 land grant universities in America. During the 2 years where this program that was passed in 1998 worked well, 2001 and 2002, this grant program I am describing awarded 183 different grants, one grant at least in every State and in the District of Columbia.

So these land grant universities, created in Abraham Lincoln's administration, have been at the forefront of our agriculture in America for a long time. If we want to keep high farm income, they are a major part of our ability to do that.

We have had some experience now since 1998 with this grant program I am describing, which has a long name, called the Initiative for Future Agriculture and Food Systems. First, when it was appropriated, and the Senator from Georgia mentioned this to me, the appropriators got to the money and they canceled the appropriation and then increased another account and earmarked the money for their favorite university.

That practice stopped in 2001 and 2002. Basically, we went through a period where the research grants were awarded in the way they are supposed to be, the way most of our research grants are awarded. One reason our great higher education system works so well is because it is a large marketplace; students may choose their school, Government money follows them to the institution of their choice, public, private, nonprofit, and the billions of dollars we spend on research to create jobs, giving us the brain-power advantage, is competitively awarded, usually peer reviewed.

So in a couple years, that worked for this program. But then, the authorizers looked at what the appropriators had done and they said, in effect: We are going to earmark some of this money to our favorite universities. That happened for a while.

Then, in 2005, we got into a budget crunch, and those trying to balance the budget said: Here is a place to get some money. They took the money that was dedicated for agriculture research and used it for the 2005 budget reconciliation. So only in 2 years since 1998 has this excellent competitive grant program worked very well, 2001 and 2002.

Now, in the current House version of the farm bill we are debating today, they try to put it back on track. In the first 2 years of the bill, they appropriate the money to deal with the budget deficit that was dealt with in 2005. But in the last 3 years, they au-

thorize money for this kind of research, \$200 million in each of 2010, 2011, 2012, \$600 million, amounts to about two-tenths of 1 percent of the total cost of the House version of the farm bill.

The Senate version, unfortunately, well, fortunately in the first 2 years, does pay the money to deal with the budget problem. The decision was made a few years ago. But in the last 3 years, during the time when the House put in 600 million, the Senate puts in zero.

So my amendment would restore \$74 million of the \$600 million, and in conference, hopefully, the conferees could decide this is an important provision. Since both Houses had provided money, we can put the program back on track.

How do we pay for it? Well, by striking section 12302 from the tax title. Now, section 12302 of the tax title provides new tax breaks for large transmission towers that transmit electricity, primarily from wind farms, in remote and rural areas.

In my part of the country, Tennessee, for example, wind farms barely work at all because the wind does not blow. But where they do work a little bit is up on top of some of our most scenic mountains. So what the effect of this provision would be is to say: We are going to give people who own the land an ability not to pay income tax on the income they get from running these big transmission towers from the top of our scenic mountains all the way down to where the electric grid is.

That is unnecessary in the first place because the provision, as written, is retroactive. In addition to applying to future deals that will be made with landowners, it seems to apply to current and existing deals.

No. 2, it provides tens of millions of dollars, about \$55 million, in my computation, of new subsidy for wind. Wind already is, in my judgment and in the judgment of many others, over-subsidized in terms of an energy source.

Third, and perhaps the largest objection, is transmission towers should be paid for by the utilities that build the transmission towers. If the Tennessee Valley Authority builds a transmission tower for whatever purpose, those of us who buy our electricity from TVA ought to pay the bill. We should not send the bill to the Colorado taxpayer or to someone who lives in southern Georgia or someone who lives in Iowa or New York, and neither should they send their bills to us.

So I think it is inappropriate for all those reasons, to subsidize further the ability to build transmission lines, primarily from wind farms to the grid. What it tends to do is to create such extravagant subsidies for wind that investors see an opportunity to make a lot of money, and they build wind farms in places where the wind does not blow.

That might sound to some like a ridiculous statement. But we have one of those in the Southeastern United States. It happens to be in east Tennessee. It is a TVA experimental farm.

It is up on top of Buffalo Mountain, 3,500 feet up. It ought to be a particularly good place for it. You can see the big white towers and flashing lights, instead of seeing the mountain tops, which we prefer to see.

What does it do? Not much. It cost \$60 million over 20 years to TVA ratepayers to pay somebody to provide this energy. But during August, when we were in a drought and we needed to turn our air-conditioning on, it was operating 10 or 15 percent of the time.

So there is a much better solution to the need for new electricity in our part of the world and in many parts of America than to encourage investors through extravagant subsidies to build huge transmission lines through rural areas to connect wind farms with grids that are a long distance away.

If the market supports that sort of electricity investment, let it support it. That will usually mean, if you are going to build big wind farms, you will build them fairly close to the electric grid so you will not have to spend a million dollars a mile on the transmission line.

That is the first amendment. We would take the \$74 million from this unnecessary expenditure that causes people to pay, in one part of the country, for what should be an electric ratepayer's bill in another part of the country; gives an unnecessary amount of money to wind developers. It, in fact, takes an example of wasteful Washington spending and uses it for higher farm incomes.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter to Chairman HARKIN from organizations stating their support for increased funding for research at land-grant universities.

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

NOVEMBER 7, 2007.

Hon. TOM HARKIN,  
*Chairman, Committee on Agriculture, Nutrition,  
and Forestry, U.S. Senate, Washington, DC.*  
Hon. SAXBY CHAMBLISS,  
*Ranking Member, Committee on Agriculture,  
Nutrition, and Forestry, U.S. Senate, Wash-  
ington, DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: As you know, the committee reported Food and Energy Security Act proposes to eliminate mandatory funding for the Initiative for Future Agriculture and Food Systems (IFAFS). Currently, \$200 million per year in IFAFS funds are scheduled to become available in FY2010. The House Farm Bill protects IFAFS funding so that it becomes available as scheduled and provides additional mandatory research dollars.

Elimination of IFAFS funds will severely limit integrated agriculture research and extension programs at America's land-grant universities, at a time when such efforts are ever more necessary to help solve pressing national and international problems. We urge you to allow IFAFS funds to become available as allowed for in the baseline.

The IFAFS program was, as you know, created in 1998 to provide a source of mandatory funding for integrated competitive programs sponsored by the land-grant universities. Since its inception, however, IFAFS funds have been captured in all but two years by

the Appropriations Committees, the Office of Management and Budget and Committees on Agriculture via the budget reconciliation process. Nonetheless, the land-grant system has worked hard to reverse this situation in light of the tremendous unfunded needs—in areas as diverse as human nutrition and biofuels—that must be addressed through programs where scientific research is directly linked to public outreach.

Without IFAFS the agricultural research, education and extension baseline is diminished substantially, something that is harmful to every single stakeholder this bill is created to serve. Agricultural production, healthy, abundant and safe foods, conservation, rural development, biofuels, specialty crops, aquaculture and countless other areas impacted by this legislation are reliant on research, and the application of the results of that research via education and extension.

While we appreciate the new mandatory funding for bio-fuels, specialty crops and organics contained in this bill, we are still facing a net cut to research, education and extension as a result of eliminating IFAFS funds. Therefore, we respectfully urge you to ensure the IFAFS funding becomes available for the nation's agricultural research, education, and extension needs as scheduled. We sincerely believe that we should not short-change the future for short-term gains. Please utilize the IFAFS funds in the Research Title, as that is where the future lies.

Sincerely,

American Association of State Colleges of Agriculture and Renewable Resources, American Dietetic Association, American Feed Industry Association, American Sheep Industry Association, American Society for Horticultural Science, American Society for Nutrition, American Society of Plant Biologists, Cherry Marketing Institute, Coalition on Funding Agricultural Research Missions (CoFARM), Crop Science Society of America, Donald Danforth Plant Science Center, and Federation of Animal Science Societies.

Institute of Food Technologists, National Association of State Departments of Agriculture, National Association of State Universities and Land Grant Colleges, National Association of Wheat Growers, National Cattlemen's Beef Association, National Coalition for Food and Agricultural Research (NC-FAR), National Corn Growers Association, National Sorghum Producers, Soil Science Society of America, The American Society of Agronomy, United Egg Producers, and US Rice Producers Association.

Mr. ALEXANDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. SALAZAR). The Senator has used 18 minutes.

Mr. ALEXANDER. Please let me know when there are 5 minutes remaining.

AMENDMENT NO. 3553

Here is my second amendment. It is amendment No. 3553. I say it with all due respect to the Senator from Colorado because he and I discussed this. I am sure he will have more to say about this. But here is what this amendment is about.

The question is whether every Member of this body—I hope a lot of Senators are watching or their staffs are watching, because you do want to help your Senator if you are a staff member go home and explain, wherever you may live in America, why you took \$4,000 of their tax money and gave it to their neighbor to build a 12-story tower

in that neighbor's front yard with a flashing red light on top.

That is the question. The farm bill tax title, as reported by the Senate Finance Committee, says it is called a small wind tax credit. Now, I would ask those who can see this picture whether they would consider this tower an example of a small wind turbine? I think you can see the large crane next to it. You can see the telephone pole by it. Imagine if that is in your neighborhood, in the front yard of your neighbor. What the proposal in the tax title as reported says, that a small wind tax credit would give you up to \$4,000 toward building a turbine of up to 100 kilowatts. That is a 100-kilowatt wind turbine.

Now, you might build a smaller one, and the cost would vary—a 0.5 kilowatt turbine might cost about \$1,900 and receive a \$570 tax credit, which is 30 percent of the total cost. A 1 kilowatt turbine might cost about \$4,000 and receive a \$1,200 credit, which is also 30 percent of this turbine's cost. A 2.5 kilowatt turbine costs about \$15,000 and would receive a \$4,000 credit, which is 27 percent of the turbine's cost. But you could build one as big as the 100 kilowatt turbine depicted here with taxpayer funds under the provisions of this bill.

I would like to ask my colleagues to think about whether they think that is an appropriate use of tax money. My view is the puny amount of electricity produced by these wind turbines is not worth ruining the character of our neighborhoods.

So what my amendment would do is simply say: This is a farm bill. If the Members of this body and this Congress want to subsidize the building of 12-story white towers in rural areas for farms and businesses, then do that in the farm bill. But do not allow that to go into residential neighborhoods across America, which the bill, as presently written, does.

Now, when I say a puny amount of electricity, what do I mean by that? Well, according to the Joint Committee on Taxation, which has examined this provision of the proposed farm bill, it would encourage the installation of 12 megawatts of electricity.

Electrical generators have something called rated capacity. The rated capacity is the power that an electrical plant generates when operating at its full capacity. A nuclear power plant, for example, in Tennessee on average operates at 90 to 95 percent of rated capacity. That is why so many Americans are beginning to understand that nuclear power is the way you deal with climate change, if you are serious about it, because they produce 1,100 or 1,200 megawatts of power 92 percent of the time, and that is clean power. That has no nitrogen, no sulfur, no mercury. It has no carbon. Nuclear power produces 20 percent of our electricity and 80 percent of our carbon-free electricity.

The idea here is that by putting 12-story towers or up to 12-story towers in our neighbor's front yard or in our front yard, we could produce under this proposal an estimated 12 Megawatts of electricity. Probably turbines like that would operate 20, 25, 30 percent of the time. So it wouldn't be 12 megawatts of electricity, it would be 3 or 4 megawatts on average. This is equivalent to two-tenths of 1 percent of the energy from a nuclear reactor or six-tenths of 1 percent of the energy from a single coal plant.

My appeal is that we respectfully use our common sense as we think about how to deal with the various challenges we have with clean air, with climate change, with our need for energy. Common sense does not say we ought to subsidize the building of 12-story towers or up to 12-story towers in our front yards. For example, we would get a much better bang for the buck—\$5 million is what is estimated to be spent—if we simply bought energy-efficient light bulbs and gave them to our neighbors. Spending \$5 million on \$2 energy-efficient light bulbs would save eight times the electricity generated by these "small wind turbines." So why should we ruin the character of our neighborhoods when we could do eight times as much good with the same amount of money by changing our light bulbs? That would be common sense.

I am very much aware of the concern about climate change. Ever since I have been a Member of this body, I have had legislation in the Senate—first with Senator CARPER, then with Senator LIEBERMAN—to establish caps on utilities which produce a third of all the carbon in the country. That legislation, which I introduced with those two Senators over the last 5 years, also would establish more aggressive standards for nitrogen, mercury, and sulfur than the administration does. In addition, last week when we were debating climate change, the Environment Committee adopted my proposal for a low-carbon fuel standard which would be one of the most effective ways, probably the most effective way, to reduce quickly the amount of carbon in the fuel we use. In the last Congress, I was the principal sponsor of the solar energy tax credit. So I, like most Americans, am looking for ways for us to continue to power our huge economy but to do it in a clean way. I make a plea for common sense while we do this.

I suppose it would be possible for us to give \$4,000 to a homeowner and say: Build a big bonfire in your backyard, and then we will give you more money to sequester the carbon and bury it under the ground. That would be possible. But would it make common sense? No, it wouldn't make common sense. There are better ways to use the money. Why would we destroy the environment to save the environment, which is precisely what we are doing in residential neighborhoods with this

proposal. I regret not that it allows farm families and farm businesses a small subsidy to build large wind turbines. I regret that we would extend that to residential neighborhoods at the same time.

Let me say something else about the number of subsidies for wind power that exist today in our country. Sometimes the need for wind has become nearly a religion. Instead of looking carefully at whether we should use more efficient light bulbs or smart meters on utilities or solar panels or efficient appliances or green buildings, a whole variety of things we can do as a country to be green—instead of doing that, I think we have gone overboard on the idea of wind.

Let me give a couple of examples of that, if I may. There are a great many subsidies already in existence for wind. The biggest, of course, is the renewable electricity production tax credit. Through that renewable production tax credit, according to the Joint Committee on Taxation, the United States taxpayer will spend \$11.5 billion on wind energy over the next 10 years. Let me say that again. The United States taxpayer is committed, through the existing renewable electricity production tax credit, to spend \$11.5 billion on wind energy over the next 10 years. That doesn't count the value of various other Federal, State, and local subsidies for wind. There are the clean renewable energy bonds to help build the wind turbines. There are Department of Energy grants and incentive programs. There are Department of Agriculture renewable energy and energy efficiency grants and loans. There are various State subsidies for wind.

Texas is appropriating billions of dollars for transmission lines for wind. That is their decision. It is not as if this were a form of energy which lacked support. I am afraid the result is that the extravagant subsidies for wind are causing people to build wind farms and to use wind where they otherwise would not. In testimony before the Environmental and Public Works Committee recently, one utility manager from Oklahoma said he is tripling the amount of wind they are using.

I said: Why are you doing that? Can you use it as baseload power; that is, can you use it as reliable power all day long?

He said: We can only use it when the wind blows.

I said: Can you use it for peaking power?

He said: No, we can't use it for that because the peaking power, the busiest time of the day or year, might come when the wind is not blowing.

I said: Why are you doing it then?

He said: To make the legislators happy.

So we are not letting the market decide. We have become obsessed with the idea that this needs to be done. How big is that obsession? I think most Senators would be surprised to learn that by fiscal year 2009, the renewable

electricity production tax credit will be the single largest tax expenditure for energy: \$1.9 billion of that in 2009 would go for all renewable sources, but \$1.3 billion would be for wind. We hear a lot about oil and gas and the subsidies for oil and gas. One might think that would be true since we have this massive economy. We use about 25 percent of all the oil and gas in the world. But according to figures from the Joint Tax Committee—and perhaps somebody will point out that the Joint Tax Committee is wrong, but this is what they say in the year 2009, the subsidies for oil and gas tax expenditures will be \$2.7 billion from the taxpayers. The production tax credit for wind will be \$1.3 billion. Wind, \$1.3 billion; oil and gas, \$2.7 billion. The reason I mention that is because of the disproportionate relationship between the value of oil and gas to an economy that uses 25 percent of all of it in the world and the amount of electricity produced by wind.

In 2006, wind energy produced seven-tenths of 1 percent of the electricity we consumed in the United States, yet it is the largest single energy tax expenditure by the taxpayer. Something is wrong there. The Energy Information Administration estimates that by the year 2020, after we have spent presumably tens of billions of dollars of subsidies for large wind turbines in your front yard and backyard and side yard and our national forests, along our beaches, our most scenic mountaintops, after we have done all of that, according to the Energy Information Administration, wind is projected to produce about 1 percent of our electricity needs.

I am skeptical of that figure. I think the Energy Information Administration is too conservative. It might be 2 percent. It might be 3 percent. Maybe it is 4 percent. But should the largest energy expenditure be to encourage the building of such towers, or should we be spending our money in different ways?

We have other ways to produce electricity: 49 percent of our electricity is produced by coal. Would it be wise to spend money in finding a way to sequester that coal, perhaps through algae, perhaps through enzymes, so we can use it to reduce our dependence on foreign oil? I think it would. But the largest single energy tax expenditure is for wind. Twenty percent of our electricity is produced by nuclear power, 80 percent of our clean power. In my view, if we are serious about climate change in this generation, climate change is an inconvenient truth, the inconvenient solution is nuclear power and conservation. But the largest single energy tax expenditure is for large wind turbines. Hydropower is clean as well. It is only about 7 percent of the electricity in the United States. It will drop a little by 2020. But wouldn't there be ways to encourage that as well?

It may be said that this is only a small matter. It is only \$5 million. But

it won't be a small matter in residential neighborhoods in Knoxville and Denver and Los Angeles, all across the country, when a neighbor comes in and says: I just got \$4,000 of your tax money, and I am going to put up a 12-story white tower with a blinking red light on top because I want to do what I can for climate change.

I think the proper answer is to say that is not the most commonsense thing we can do. There are many ways we can conserve. Efficient light bulbs would save eight times as much as this proposal would generate. Why don't we do that instead?

If you think this is not going to happen in your neighborhood, I ask unanimous consent to print in the RECORD following my remarks a story from CNN.com about neighbors in Atlanta who are already squabbling about someone who has built a wind turbine in their front yard in a historic neighborhood. It makes no difference that the wind doesn't blow very much in Atlanta. The neighbor is just making a statement. That is the kind of thing that this will encourage.

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

(See Exhibit 1.)

Mr. ALEXANDER. It would be my hope that this amendment would be accepted by the Senate. The effect of it would be to leave in place up to \$4,000 support for building a tower that could be as large as that one, a 100 kilowatt turbine, in rural areas or for rural business. That would still be in place under my amendment. What would not be in place is the ability to use that in residential neighborhoods. The amendment would also make clear that nothing we are doing in this legislation preempts any local decision about the kind of decisions people will make. I am for caps on utilities. I am the sponsor of the solar credit. I am for cleaner air, more aggressively than the administration has been. I am ready to use smart meters. I am ready to try geothermal, almost anything, the low-carbon fuel standard. But I hope we will use common sense.

Common sense says to me, with all due respect, that we should not encourage using other people's tax money for your neighbor to build up to a 12-story white tower in his front yard as a solution to the current concern about climate change. There are other, better ways to do it, starting with energy efficiency, other ways that make much more common sense.

I yield the floor.

#### EXHIBIT 1

#### NEIGHBORS FIGHT, STATES SCRAMBLE OVER CLEAN POWER

(By Thom Patterson)

ATLANTA, GEORGIA (CNN).—Curt Mann's neighbors are livid, accusing him of erecting an ugly wind turbine among their historic homes for no other reason than to show off his environmental "bling."

The 49-year-old residential developer is remodeling his 1920's house to be more environmentally friendly, including installation of a

45-foot-tall wind turbine in his front yard. "It's really none of their business how I spend my money," Mann said.

The towering turbine, which overlooks majestic trees and Victorian rooftops, pits preservationists in Atlanta's Grant Park Historic District against a property owner and his individual rights.

"It's unattractive and it's a nuisance," said Scott Herzinger, whose home is three doors down. Mann "invaded the public view . . . when he put that tower up."

In blustery regions, home turbines can cut power bills by up to 80 percent. But opponents claim Mann's wind turbine needlessly threatens neighborhood property values because Atlanta's low winds don't produce enough speed to make the device worthwhile.

At a cost of \$15,000, Mann said the turbine will shave at least \$20 per month off his power bill—hardly a windfall. A proposed federal tax credit would bring Mann \$3,000. Acknowledging it could be decades before his investment pays off, Mann said, "even if it was a 50-year payback, at least we've done something to reduce our dependency on fossil fuels."

Herzinger blames Atlanta, which "let us down miserably" when zoning officials sided with Mann.

Said Mann, "If regulations for historic preservation don't address modern-day issues, then they're not very sound."

But Herzinger, 48, who shares Mann's support for wind power, said Mann could have considered many alternatives which would have helped the environment more than the turbine. "After looking at the facts, it doesn't seem unreasonable to think of Mann's wind turbine as eco-bling."

Although opponents filed a lawsuit in Fulton County Superior Court against both Atlanta and Mann, the squabble poses larger, far-reaching questions about how communities, states and the nation as a whole should tackle the ongoing shift toward cleaner energy.

"I don't think we're going to revolutionize the utility industry through wind turbines in the front yard," said longtime California energy consultant Nancy Rader, "To really make a dent in the power sector we've got to have the big, central, bulk-generating facilities."

At least 21 states and the District of Columbia have set deadlines or goals for utilities to obtain electricity from clean renewable sources instead of fossil-fuel burning plants.

The scramble has triggered construction of large-scale wind farms throughout much of the nation, including proposals for the first U.S. offshore facilities.

Delaware and Galveston, Texas, have offshore projects in the works, although a farm proposed off New York's Long Island was shelved this year due to high projected construction costs.

Top New York energy official Paul Tonko said the push toward renewable energy became more urgent as oil prices hit a record \$80 a barrel September 13.

"We have precious little time to adjust," said Tonko, president of New York State Energy Research and Development Authority. "We are behind the curve of several leading nations who have moved forward with very aggressive outcomes."

In Massachusetts, where utilities are under the gun to obtain four percent of electricity from renewables by 2009, builders await federal approval of a hugely controversial wind farm off historic Cape Cod.

The Cape Wind project envisions 130 wind turbines each rising 440 feet above Nantucket Sound by 2011. State officials said the farm will eliminate pollution equal to 175,000 gas-burning cars.

Like Mann's neighbors, Cape Wind opponents are rallying to protect historic properties. The Massachusetts historical commission said the wind farm's "visual elements" would be "out of character" and would have an "adverse effect" on more than a dozen historic sites, including the Kennedy family residential compound in Hyannis Port.

James E. Liedell, director of Clean Power Now, a grass-roots group that supports the project, said he once asked Sen. Edward Kennedy, during a random encounter in 2003, what he thought of Cape Wind. "It's the sight of wind turbines that bothers me," Liedell said Kennedy said, reminding Liedell that, "that's where I sail, and I don't want to see them when I sail either."

According to polling in northern Europe where wind farms are flourishing, residents eventually have come to accept turbine towers dotting the landscape, said Dr. Mike Pasqualetti, who has done much research on the topic. Communities near many California wind farms, which were built in the 1980s, have largely come to accept the turbines, said the Arizona State University professor.

As the nation's fastest growing form of new power generation, wind-born electricity may soon fuel commutes for millions of Americans.

"If we power electric hybrid cars with electricity that comes from wind farms, it means you aren't polluting on either end of the equation," said Dr. Robert Lang, director of the Metropolitan Institute at Virginia Tech. "It doesn't make sense to power electric cars with electricity from fossil fuel burning plants."

Governments should consider offering property owners reduced energy rates or other incentives to win their support for green energy projects, suggested Lang.

Washington state utilities are racing to obtain 15 percent renewable energy by 2020—much of that from wind. When the Kittitas County Commission unanimously rejected placing a 65-turbine facility near residential property, Gov. Chris Gregoire overruled the commissioners in a move that Chairman Alan Crankovich called disappointing and unprecedented.

"To have a land-use decision overturned by the governor, that scares me," Crankovich said. "I'm concerned about it because this is the first step in weakening local authority and I hope she understands that."

Bertha Morrison, 89, a lifelong resident whose property abuts the proposed site applauded the governor's decision. "There'll be money coming from it to the county and that will keep our taxes down a little bit."

Individuals such as Morrison, Mann and Herzinger can influence public energy policy, said energy consultant Rader, by participating in local government and casting votes on statewide initiatives.

"We're going to have to bite the bullet," said Rader. "I think we need to do every damn thing we can to save this planet and everybody on it."

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I wish to enter into a unanimous consent agreement in terms of the order of speakers. I ask unanimous consent that after Senator BARRASSO speaks for 7 minutes, that I be recognized for 10 minutes, Senator KLOBUCHAR for 10 minutes, Senator SANDERS for 10 minutes, and Senator CRAPO for 30 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, agriculture is one of the most trusted, respected, and revered ways of life in America. It is the farmers and the ranchers who feed this country.

Wyoming agriculture is a billion-dollar industry, and livestock producers are at the heart of our State's prosperity.

I am privileged to represent more than 9,100 farm and ranch operations in the State of Wyoming. That is why I fight every day to ensure that our farm and our ranch businesses continue to thrive.

This generation of farmers and ranchers faces more challenges than our parents ever did. We need agricultural policy that adapts to this changing world. Frankly, following the same old farm bill paradigm is not getting us there. Agriculture is critical to Wyoming. We produce over a billion dollars of agricultural products each year. Agriculture provides more than 10 percent of the jobs in our State.

I am coming to this debate with a real interest in seeing American agriculture succeed. To do that, we need to change our thinking and change our policy.

I commend the Senate Agriculture Committee for producing bipartisan legislation that addresses the important issues of conservation, rural development, and agricultural disaster. But let's not forget this bill also carries a huge pricetag. And let's not forget that cost is for programs targeted at the old ways of agriculture.

I believe we need to spend our taxpayer dollars wisely. We should focus our efforts on smart growth in agriculture. We should sunset those programs of the past that fail to address the real issues facing agriculture today.

I support conservation programs. I believe providing incentives for farmers and ranchers to make improvements to their operations and to benefit the environment—both of those—serves all of our interests.

In Wyoming, we have seen smart growth spurred by conservation programs. Wyoming producers have implemented almost 3,000 Environmental Quality Incentives Program contracts over the past 5 years. We have protected over 34,000 acres in our State through the Grassland Reserve Program. Conservation programs, provided for in this farm bill, will continue the real, on-the-ground results we have seen in Wyoming.

Our conservation policies should give incentives to ranchers, incentives that will help ranchers to operate at maximum efficiency and promote good business and a healthy environment.

I support business-friendly policies that help our farmers and ranchers succeed in marketing their products. It is a victory that this bill contains meaningful implementation guidelines for country-of-origin labeling. We raise exceptional beef and exceptional lamb in this country. Our producers deserve the opportunity to label their product

“born and raised in the USA.” Consumers demand it, and they will buy it.

I am also pleased this farm bill will end the prohibition on the shipment of Wyoming beef and lamb products to other States. Our State inspection program is more stringent than Federal programs, and yet we have faced a limit on our product for years. I am very pleased this farm bill will change that. Eliminating this restriction will help spur new small business opportunities for all. I hope to see more livestock competition reforms included in this farm bill.

In addition, I have offered an amendment promoting veterinary research. This amendment authorizes the Minor Use Animal Drug Program. This amendment helps the American sheep industry be competitive in the world market. I am proud to sponsor it on behalf of Wyoming's 900 sheep producers. I am pleased the bill's sponsors have included this amendment in the managers' package.

Animal disease research is of the utmost importance in Wyoming. Our rugged landscape is a real challenge to ranchers trying to keep their livestock healthy. To meet this need, I have co-sponsored an amendment, along with my neighbors from Montana and Idaho, to promote brucellosis and pasturella research. I hope my colleagues will join us in support of this much needed work.

One of the amendments we are likely to consider on this legislation would expand the renewable fuels standard enacted in 2005. This expansion is concerning both to Wyoming's livestock producers and to Wyoming's energy producers. I am troubled by the food versus fuel debate. When we use so much corn to make ethanol, there is less corn to feed our cattle. The price of corn is rising, and ranchers are struggling to keep their businesses profitable.

This afternoon the Presiding Officer and I attended a meeting of the Energy Committee. We heard testimony from Pat O'Toole, a former Wyoming legislator and a rancher from Savery, WY. He told the committee that as he was testifying, his wife was driving a truck along I-80 in southern Wyoming—a truck of corn—and the corn this year costs twice as much as it did last year.

I strongly support policies that advance the development of alternative and renewable energy: Solar energy, wind, geothermal, coal-to-liquids, biofuels. We need all of the energy. But we cannot forget the cost if we trade food for fuel.

There is a great opportunity before this Congress to meet the changing needs of agriculture. We need to set a standard that improves our industry for the future. That is why the people of Wyoming want to see farm policies that use common sense. Let's put an end to farm policies that are outdated. Let us embrace the agriculture markets of today and of tomorrow.

Now we can do this with on-the-ground conservation programs. This farm bill can provide profit incentives

and market-based agricultural research. That is what the American farmers and American ranchers deserve. It is also what the American taxpayers deserve.

I thank my colleagues for the hard work that has gone into this bill. I now call on the Senate to make real commonsense reforms for American agriculture.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise, first of all, to indicate again my strong support for the bill that is in front of us, the Food and Energy Security Act, and to thank one more time our leader, Senator HARKIN, and his partner in this, Senator CHAMBLISS, for their leadership and great work, and for all the support of the committee in bringing forward a unanimous bill, bipartisan bill.

AMENDMENT NO. 3672

I specifically today, though, want to touch briefly on two amendments that have been proposed by my good friend from New Hampshire. I really do mean that. He is somebody whom I enjoy working with very much, although I must rise to oppose him on an amendment dealing with the asparagus growers of this country.

As a background to this, the U.S. asparagus industry was and continues to be economically injured, unfortunately, by an agreement back in 1990, the Andean Trade Preferences Act, which extended duty-free status to imports of fresh Peruvian asparagus. This particular agreement eliminated the tariffs on a wide variety of products, including asparagus, coming into this country.

Unlike most trade agreements, ATPA provided no transition period for American growers to allow our producers to prepare or adapt to an unlimited quantity of Peruvian asparagus coming in with a zero tariff. The recently approved Peruvian Trade Promotion Agreement actually codifies that particular situation for American asparagus growers.

Following the enactment of this original agreement in 1990, imports of processed asparagus products surged 2,400 percent into the United States, from 500,000 pounds of asparagus in 1990 to over 12 million pounds in 2006—with a zero tariff—coming into the United States to compete with American asparagus.

Our domestic asparagus acreage dropped 54 percent from 90,000 acres in 1991 to under 49,000 acres in 2006. That is American farmers losing acreage, losing their farms, being placed in a very difficult situation, a very difficult situation economically.

Michigan asparagus acreage has dropped from 15,500 acres in 1991 to 12,500 acres in 2006.

In Washington State, asparagus decreased from 31,000 acres in 1991 to 9,300 acres in 2006. The value of Washington

asparagus in 1990 was approximately \$200 million. The present value is \$75 million.

This is a huge drop for any area of American agriculture. This is a huge drop and has created great hardship for our asparagus growers.

Asparagus acreage in California decreased from 36,000 acres in 1990 to 22,500 acres in 2006.

What we have in this bill is some small effort to help those growers who have found themselves—because of our policy, our trade policy—in an immediate situation of facing an unlimited supply of asparagus coming in with no tariff and with no ability to have any kind of a transition.

Unlike other areas that have been hit by trade, they did not qualify for trade adjustment assistance. So the Asparagus Market Loss Program is a relatively small program compared to other parts of this farm bill. It is a \$15 million effort that is critically important to compensate American asparagus growers across the country for the loss to this industry that resulted from the ATPA.

This program is based on a similar market loss program for apples and onions back in 2002, where cheap Chinese imports harmed those American growers, and that program provided \$94 million for apple and onion growers. I might add, I say to my friend, the author of this amendment, the State of New Hampshire received over \$1 million from this particular market loss program for apples. That was done in 2002. So what we are doing is patterning this program after the very same marketing loss program that helped our apple growers.

Market loss funds will be used to offset costs for American asparagus producers to plant new acreage and invest in more efficient planting and harvesting equipment. It is a very small fraction of, in fact, what they have incurred, as well as a result of the policy that was enacted back in 1990.

I urge my colleagues to vote “no” on the Gregg amendment and to support the effort of the Agriculture Committee to help alleviate an industry that has received dramatic losses as a result of our Federal trade policy.

AMENDMENT NO. 3674

On a different note, Senator GREGG has offered an amendment that, in fact, is a reflection of a bill I have introduced regarding the mortgage industry. Senator GEORGE VOINOVICH is my Republican cosponsor. We have a number of colleagues who have joined us in this effort. I certainly support the intent of that amendment. I know there is a strong understanding of support coming from the chairman of the Finance Committee about the need to make sure people who find themselves losing their home because of a foreclosure situation or a short sale or some other situation regarding the housing crisis—that they do not also end up with a big tax bill after possibly losing their home. I know there is a

commitment from the Finance Committee, of which I am a member, to address this issue and, in fact, to make sure people do not end up with this tax liability.

The real question is how we do this in terms of this particular amendment. Certainly, substantively I support it, but the farm bill will not be done before the end of this year, and if we don't have something in place by the end of this year, people who have found themselves in the middle of a mortgage crisis with this kind of an unforeseen tax liability will have an additional tax bill. I know it is our desire not to have that happen. It would be a real tragedy, in fact, if that did happen.

So I know we have to work out what will happen on that amendment, but certainly I think there is very broad support for the substance of it. It is a question of whether we are able to get relief to people quickly enough. The farm bill will not be done and passed into law by the end of the year, and we need to have that provision done by the end of the year. So I know the Finance Committee leadership is making determinations about the best way to approach this, but certainly I appreciate the issue being raised because no one wants to see people who have found themselves in a potential situation of losing their home or their home going into foreclosure or some kind of a refinancing for less than the mortgage price, to find themselves also in a situation where they have a new tax bill. That certainly is no one's intent.

I am pleased the White House is supporting our legislation to fix this. The House has, in fact, acted as well and has sent a bill to us to address this issue. It is my hope—my sincere hope and urgent hope—that we will have this done by the end of this year rather than placing this policy into the farm bill because there is a sense of urgency about getting this done right now. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, as has been previously agreed, I ask unanimous consent to speak as in morning business for 10 minutes.

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

Ms. KLOBUCHAR. Mr. President, I first again wish to commend Senator HARKIN, Senator CHAMBLISS, and our entire Agriculture Committee for the work we are doing on this farm bill. I am excited that it is moving ahead. As you know, I am hopeful that we will get some more reform in the bill, including my amendment to make sure the hard-working farmers in this country are at the receiving end of the help from the farm bill as opposed to multimillionaires from across this country. I look forward to debating that in the next few days.

TOY SAFETY

I am here to talk about another topic, and that is that across Minnesota and across the country, families

are making their annual trips to stores and to malls for their holiday presents. Kids are making their wish lists. I know my daughter has her own. Parents are combing the ads for the best prices. But this year, parents are thinking about something a little more than the price, a little more than the wish list. They are also wondering if the toys they are buying are safe.

In fact, just this weekend, I visited Morehead, MN, in 20-below-zero weather, and I can tell you there were a number of parents who turned out, as well as people who work in this area, to talk about their concerns about the safety of toys. They told me they are shocked that in this day and age that we have these toxic toys on our shores and in our stores and we have to put an end to it.

This year, almost 29 million toys and pieces of children's jewelry have been recalled because they were found to be dangerous and, in some cases, deadly for children. In many cases, the reason for these recalls have been truly horrific. Who would believe that a parent would buy some Aqua Dots, a very popular toy for their children, and find out the child swallowed this little dot, which normally you wouldn't think would become a disaster, but in fact this toy had morphed into the date rape drug and put their child into a coma. That is what happened in this country.

Another 9 million toys have been recalled this year for containing toxic levels of lead. The lead levels in these toys can lead to development delay, brain damage, and even death, if swallowed.

As a mom and as a former prosecutor and now as a Senator, I find it totally unacceptable that these toys are in our country. As my 12-year-old daughter said when her famous Barbies were recalled: Mom, this is really getting serious.

It is clear that the current system we have in place to ensure the safety of products for our most vulnerable consumers—our children—needs to be fixed, and we need to fix it now.

The Senate Commerce Committee on which I serve has taken strong action to stem the tide of these recalls. The Consumer Product Safety Commission Reform Act of 2007, which was passed by the Commerce Committee under the leadership of Chairman INOUE and Chairman PRYOR and with my help, as well as the help of Senator BILL NELSON and Senator DURBIN, represents some of the most sweeping reforms that we have seen in 15 years for the Consumer Product Safety Commission. The bill would finally take the lead out of children's products, establish real third party verification, simplify the recall process, and make it illegal to sell a recalled product. It also gives this long forgotten agency the resources it needs to protect our children.

The recent action by the Commerce Committee sends to the Senate floor an

opportunity to reform our consumer protection laws and effectively ban lead from kids' products. I am hopeful that we will act quickly, that we will work out any details that need to be worked out, and that when we adjourn for the holidays, this reform will be passed.

To me, the focus is simple. We need to make sure there is a clear mandatory standard—not just voluntary, not just a guideline, but with the force of law. I think it is shocking for most parents when they realize there has never been a mandatory ban on lead in children's products; instead, we have this voluntary guideline that involves a bunch of redtape that makes it hard to enforce. As millions of toys are being pulled from the store shelves for fear of lead contamination, it is time to make crystal clear that lead has no place in kids' toys.

The need for this ban was crystallized for me in Minnesota when a little 4-year-old boy named Jarnell Brown got a pair of tennis shoes at a store in our State. With the pair of shoes came a little charm, and this little boy was playing with the charm and swallowed it. He didn't die from choking or from some kind of blockage of his airways. No, he died from the lead in that charm. The lead that should never have been in that charm went into his bloodstream over a period of time. When they tested that charm, it was 99 percent lead. It came from China. This little boy died.

What is most tragic about this death is that it could have been prevented. He should never have been given that toy in the first place. It shouldn't take a child's death to alert us that we need to do something about this problem in this country. The legislation I originally introduced to address this problem is included in our bill. There is a lead standard in the bill that effectively bans lead, allowing for trace levels for jewelry and allowing for some trace levels for toys.

For 30 years we have been aware of the dangers posed to children by lead. The science is clear. It is undisputed that lead poisons kids. It shouldn't have taken this long to figure that out, but we know it and know we can do something about it.

As we all know, the Consumer Product Safety Commission's last authorization expired in 1992, and its statutes have not been updated since 1990. During that time, since 1990, we have had billions of dollars' worth of toys coming in from China and other countries that have essentially been unregulated because of a lack of resources for that agency. It is a shadow of its former self. It is half the size that it used to be in the 1980s. Here we have billions of dollars' worth of unregulated toys coming into this country, and there has been no response from this agency, no requests for a big increase. Nothing. Meanwhile, these toys are coming on to our shores.

The inspection effort for toys at the Consumer Product Safety Commission

is led by a man named Bob, and he has an office that is kind of messy in the back of the CPSC and he is retiring at the end of this year. We need to get more toy inspectors in the field. We need to give this agency the tools it needs to do its job.

The legislation sitting before the Senate today goes a long way in modernizing the Commission. The legislation more than doubles the CPSC's budget by the year 2015—something we wish the CPSC asked for itself, but we went ahead and did it ourselves. The CPSC Reform Act will actually make it illegal to sell a recalled toy, finally taking action against those bad actors out there who are knowingly leaving recalled products on their shelves.

I do at this moment wish to thank some retailers that have worked with us on this bill. The CEO of Toys 'R Us testified. We worked with Target, a Minnesota company. They want to get some legislation passed, and they want to actually increase the budget of this agency so there can be more inspection. This bill will also—and this is the piece of the bill that I worked on—make it easier for parents to identify toys when they are recalled.

I have to tell my colleagues, when most parents get their toys and their children open them on Christmas morning, they don't keep the packaging. My mother-in-law keeps the packaging, but most people don't. So you have this packaging, and then you have the toy. What we are saying is, the batch number should be on the toy if it is practical. You can't do it on Pick Up Sticks, but you can do it on the foot of a Barbie or on SpongeBob Square Pants, so that when a parent knows about a recall—and we know there are more to come, although we hope they level off soon—the parent can actually figure out which toy to throw out and which toy to keep in their toy box. This is good practical reform to which everyone has agreed.

The other piece of this is that the batch number should be on the packaging. That is because, unlike some of the big retailers where it is easy for them to pull these recalled toys from their shelves and to zero them out on their computer system, some people buy toys on eBay, they buy them at garage sales, and that is why we think it is very important these toy numbers be on the actual packaging as well as on the toy.

We have seen too many headlines this year to sit around and think this problem is going to solve itself. As a Senator, I feel strongly it is important to take this step to protect the safety of our children. When I think of that little 4-year-old boy's parents back in Minnesota and think about all of those other children who have been hurt by these toys—the one who just went into a coma over the date rape drug—they are just little kids. We can do better in this country. We can put the rules in place and make it easier for them to do their job. We can't just sit around be-

moaning the results anymore. We have to act. We have the opportunity. We must pass this bill before we go home for recess.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to set aside the pending amendment and that the Gregg amendment No. 3822 be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, what is the nature of this amendment?

Mr. SANDERS. What the Gregg amendment does is take \$5.1 billion from agricultural disaster assistance for farmers, and it puts \$924 million into LIHEAP. What my amendment does is put \$924 million into LIHEAP but does not affect agriculture disaster assistance.

Mr. CHAMBLISS. It is a second-degree amendment?

Mr. SANDERS. It is a second-degree, yes.

Mr. CHAMBLISS. Then I do not object, Mr. President.

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

AMENDMENT NO. 3826 TO AMENDMENT NO. 3822

(Purpose: To provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981, and restore supplemental agricultural disaster assistance from the Agriculture Disaster Relief Trust Fund)

Mr. SANDERS. Mr. President, I come from a State where the weather gets 20, 30 below zero.

I send to the desk a second-degree amendment to the Gregg amendment No. 3822 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 3826 to amendment No. 3822.

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

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

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

Mr. SANDERS. As I mentioned a moment ago, I come from a State, as do many others in the Senate, where the weather gets cold—sometimes 20 or 30 degrees below zero. I come from a State, as do many other Members, where many folks are finding it extremely difficult this year to pay for their home heating fuel costs because, as we all know, costs are soaring. It is not unusual when I walk the streets of Burlington, VT, or other towns in the State of Vermont, that people are appalled and frightened about the rapidly escalating costs of home heating oil, and they are in need of help.

As you know, Mr. President, the LIHEAP program has been an enormously successful program in providing help to many Americans in paying their heating bills, especially the senior citizens.

So what this amendment would do—and I will talk at greater length about it tomorrow—is provide \$924 million in increased LIHEAP funding because we need that funding now.

We need to see LIHEAP significantly increased beyond where it is right now if for no other reason than to simply keep pace with the outrageous increase in costs for home heating.

Further, it is my view, and why I am offering this amendment, that it is wrong to be cutting into agriculture disaster assistance for farmers. There are disasters and there will be disasters. If we are serious about maintaining family-based agriculture in America, it is important those provisions be maintained. That is essentially what that amendment is about.

I ask unanimous consent to lay aside the pending amendment and call up an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, I inquire of the Senator, is this an amendment that was not on our list that we have already received unanimous consent on?

Mr. SANDERS. I believe that is the case.

Mr. CHAMBLISS. Senator HARKIN and I have worked diligently over the last 4 weeks to get where we are today, and we have winnowed this list down to 20 amendments on each side. If we make an exception on one side, I obviously have a lot of folks who would like to add an amendment to the list. We simply cannot do that. We have to cut it off. Regrettably, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I seek recognition under the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is recognized for up to 30 minutes.

Mr. CRAPO. Mr. President, I come today to speak in general about the farm bill, which we are debating, more correctly called the Food and Energy Security Act of 2007, and also to speak about some of the amendments proposed to it.

This is an essential piece of legislation. I am proud to have been part of both committees that have brought separate parts of this legislation forward and to have been able to work together in a bipartisan fashion to craft a bill in the Senate I believe very effectively addresses the food and fiber needs of our Nation as we move forward.

This legislation impacts the lives of families across this Nation and around

the world through providing food security, enabling global competitiveness, and ensuring a better environment. I have been pleased to work with my colleagues on the Senate Agriculture Committee, the Senate Finance Committee, and others in Congress to craft a bill that builds upon previous farm bills for a stronger Federal farm policy.

The legislation includes essential provisions, such as the new specialty crops subtitle that strengthens the specialty crop block grant and other important programs. I thank Senator STABENOW, Senator CRAIG, and others for working with me on this effort. I also thank the committee for its commitment to helping us be sure that these new specialty crop provisions have been included in the legislation. There has been confusion because, although we have included specialty crops in the legislation this year, they have not been included as a commodity crop, in those crops that are covered by the commodity programs. Instead, they are included in ways that will help them to obtain better technical assistance and grant programs so they can facilitate and enhance their development, the growing of these crops, and the marketing of them; but they don't technically, under this bill or in any way, participate in the commodity programs.

I also thank Chairman BAUCUS and Ranking Member GRASSLEY on the Finance Committee for helping to craft a tax title for the farm bill that, in addition to its many other strong provisions, includes improvements to the Endangered Species Act, through tax incentives for landowners, to help them with species recovery. This is a piece of legislation Senators BAUCUS and GRASSLEY have agreed to cosponsor with me, as well as many other Senators, both Republicans and Democrats in the Senate. It is one we have worked on for years to try to find a bipartisan path forward, where those who are concerned about the preservation and recovery of species, as well as those who are concerned about the impacts of our efforts on private property owners, can come together with a proposal that will help us to facilitate the recovery of endangered species.

One little-known fact is approximately 80 percent of the threatened or endangered species in the United States are located on private property. It is critical we bring forward the assistance of private property owners and incentivize their involvement in the recovery of these threatened and endangered species. That is what this legislation will do.

I wish to take some time to talk more about other important aspects of the farm bill and some changes being proposed. In order to do so, I wish to explain what many people don't understand when we talk about the farm bill. We discuss the farm bill as though it were a bill that focused on production agriculture, and certainly it does.

The commodity title I referenced and the conservation title I will reference in a minute both focus closely on production agriculture but not solely on it. What goes unnoticed in these debates is the farm bill is a very broad bill that deals with a multitude of critical issues in our Nation relating to the production of food and fiber. It has 11 titles—titles on commodities and conservation, as I have indicated; titles on trade, nutrition, rural development, credit, research, forestry, energy, livestock, and other miscellaneous provisions.

One other little known or little focused on fact relating to the farm bill is the commodity title, which we most often talk about, represents only 14 percent of the funding allocated in the bill. The conservation title, which is another one of those we talk about a lot, only represents about 9 percent of the funding in the bill. The nutrition portion of the farm bill includes almost two-thirds—in fact, a little over two-thirds of the funding in the bill, 67.2 percent, is allocated to the nutrition program. I will talk about those as well as I go forward.

My point is this is a very broad-based bill. It is one that impacts rural and urban areas. It deals with the importance of food and fiber in many different contexts, from feeding a nation and clothing a nation to engaging in international trade, to our security as a nation, and to many other aspects of our lives. As I said earlier, it literally impacts people not only throughout this country but throughout the world.

Let me move on and talk about a couple of those titles. The first one I will go to is the commodity program and the commodity title.

I am concerned with efforts that have been introduced in some amendments to the bill on the floor that would lower selected loan rates, including the rates for barley, wheat, oats, wool, and honey loan rates—reduce them back down to the 2002 farm bill levels and then divert the funding saved by that reduction into the nutrition title and other titles of the bill.

I certainly understand and don't question the importance of our nutrition programs and other programs being targeted for this diverted funding. But it is important to note that under this farm bill, nutrition funding already accounts for over two-thirds of the funding in the bill, with only 14 percent allocated to commodities.

Much work has been done in this bill to try to provide adequate support for farm families across our Nation, while carefully balancing the limited funding available to each title of the bill.

Additionally, adjustments or corrections have been made to loan rates to better ensure the loan rates don't distort planting decisions. That is very critical in our World Trade Organization negotiations. Under the 2007 farm bill, we have the rates established in a way that will assist us in our global trade negotiations. Specifically, the

adjustments in the Senate bill increase the loan rates for wheat, barley, oats, and minor oilseeds to 85 percent of the Olympic average for prices between 2002 and 2006. For those who don't pay attention to what all that means, the bottom line is it is important, as we move forward in the commodity program, that we not establish programs that distort planting decisions by farmers; otherwise, we will be accused of improper subsidy or improper trade-impacting decisions and policies that will be challenged in world trade negotiation arenas.

Loan rates for crops that compete for acres must be set at similar percentages of recent market prices or they can affect production decisions when prices are expected to be near or below loan levels.

Farmers and their lenders take price support from the loan program into consideration in making planting decisions. Current loan rates under the 2002 farm bill were heavily skewed in favor of and against different crops, ranging from 69 percent to 111 percent of the Olympic average during the years 2002 through 2006. It is these variations that create planting decision distortions we need to avoid.

Efforts to strike the changes we have made and divert the funding will prolong the existing disparity in the current farm bill, a policy which has been a factor of loss of wheat, barley, oats, and minor oilseeds to increased production in other commodities.

Our producers work to feed our country and people of nations across the world, while also dealing with high levels of regulation and taxation, labor shortages, droughts, and other natural disasters and ever-increasing input costs, substantial foreign market barriers, and other factors that put them at a disadvantage in a very competitive world market.

We have to ensure our farm families have the necessary support as they continue to work to remain successful, while factoring in and facing these increased challenges.

I ask other Senators in the Chamber to stand with me in supporting this careful balance we have reached in the bill and to vote against amendments or other efforts to eliminate the loan rate rebalancing and other commodity program support.

I also wish to talk about, in the commodity title, the importance of pulse crop support.

As amendments are being considered to strike portions of the farm bill, I wish to discuss the history and importance of support for pulse crops in this farm bill.

Pulse crops are cool season legumes that can withstand the cool temperatures of the northern tier of the United States. Pulse crops are such things as dry peas, lentils, small chickpeas, and large chickpeas. These cool season, nitrogen-fixing legumes are grown across the northern tier of the United States in rotation with wheat, barley, and other minor oilseeds.

In the late 1990s, when agriculture prices for commodities struggled, bankers steered growers away from raising pulse crops because they did not have the farm program safety net provided to other crops in their rotation.

In 1999, dry pea acres dropped by 55 percent. The pulse industry responded by requesting full program crop status for pulse crops as a way to keep the nitrogen-fixing legumes in the crop rotation with other program crops. Again, as we worked with issues in the previous farm bill, this was an area that needed adjustment and attention.

In 2002, I worked with the industry and other Members of Congress to include dry peas, lentils, and small chickpeas in the 2002 farm bill. Specifically, the industry was granted a marketing assistance loan program for dry peas, lentils, and small chickpeas.

Pulse crops are very good for the environment and for the overall soil health. The citizens of our country demand that our farm programs protect the long-term sustainability of our agricultural production. These legumes generate their own nitrogen and require no processed fertilizer to produce a crop.

Pulses fix nitrogen in the soil, which supplies a 40-pound-per-acre nitrogen credit to the following crop in the rotation, such as wheat, barley, and other minor oilseeds. Pulse crops and soybeans are the only farm program crops that do not require nitrogen fertilizer.

The carbon footprint of pulses and soybeans is lower than any other farm program crop because of their ability to generate their own nitrogen.

The farm bill provides us with the opportunity to encourage our Nation's farmers to protect the long-term sustainability of our soils. Including pulse crops in farm programs provides a safety net to other program crops and, therefore, encourages crop diversity and sustainability. Once again, it is an issue of favoring one crop over another with the unintended impact on the soils of our Nation.

Stripping pulse crops out of the farm programs, as some are proposing, would encourage farmers in the northern tier to shift production to those crops with a safety net in periods of low prices. This shift in production would upset the delicate environmental balance that pulse crops provide to overall soil health and sustainability and would result in acreage loss.

I encourage my fellow Senators to oppose amendments that would strip pulse crops and support for them from the farm bill.

Let me shift for a moment to the conservation title. As the ranking member of the Subcommittee on Rural Revitalization, Conservation, and Forestry, I wish to take a few minutes to evaluate and discuss the critical importance of the conservation title.

The programs authorized through the conservation title of the farm bill pro-

vide landowners with both financial and technical assistance necessary to bring real environmental results. In fact, I have said many times that of all the legislation we consider in these Chambers year in and year out, it is the farm bill that provides the most significant protection and support of our environment than any other legislation we consider. Conservation programs are the backbone of the Federal conservation and environmental policy.

The farm bill before us provides \$4.4 billion in new conservation spending. The legislation builds on current successful conservation programs and needed enhancements to make them work better for our producers. It provides \$1.28 billion in new spending for a program named the Conservation Stewardship Program. Funding is provided for continuation of the Wetlands Reserve Program and the Grasslands Reserve Program.

The Wetlands Reserve Program would be provided with funds to enroll 250,000 new acres per year through 2012, and the Grasslands Reserve Program would have sufficient resources to work in a similar fashion from 2008 through 2012.

As of fiscal year 2006, more than 9,000 wetland reserve sites have been enrolled and improved on more than 1 million acres of land in the United States. There are more than 900,000 acres enrolled in the Grasslands Reserve Program, providing habitat for more than 300 migratory birds species that rely on this prairie habitat.

The Conservation Reserve Program would be maintained at its 39.2 million acres. This program has reduced cropland soil loss by about 450 million tons. It has restored 2 million acres of wetlands, protected 170,000 miles of streams, and sequestered 48 million tons of carbon dioxide through 2006.

The Wildlife Habitat Incentives Program would be continued with \$85 million per year through the year 2012.

The Farmland and Ranchlands Protection Program would also be authorized at \$97 million per year. Easements on nearly 2,000 farms and ranches have been enabled through this program. It is estimated that almost 384,000 acres of prime, unique, and important farmland soil on the urban fringe have been or will be permanently protected from conversion to nonagricultural uses with these easements.

These are just some of the programs that are included in the conservation title of the farm bill. I understand and share the interest of many who want to increase funding for conservation programs, and as a strong supporter and proponent of these programs, I believe we will all benefit from these investments in conservation. However, I think we should be very careful where we look to obtain these funding increases. A strong farm bill is one that carefully balances each of the items, as I have indicated before.

I have indicated that the nutrition title represents almost or little more

than two-thirds of the funding in the bill. Nutrition in our schools remains an issue of critical importance for all Americans. As a father, I understand the positive effects that good nutrition has in helping a child develop and learn throughout the course of a schoolday.

In addition, I am troubled by the fact that the percentage of overweight young Americans has more than doubled in the past 30 years. I have been a strong proponent of programs that increase access to healthy foods for our children in schools. One example is the Fresh Fruit and Vegetable Program. The farm bill would expand this existing limited program to every State in the United States and the District of Columbia and would require that at least 100 of the chosen participating schools be located on Indian reservations.

I applaud the members of the Senate Agriculture Committee for working toward these commonsense solutions and programs to support positive steps in nutrition for our children and others across our Nation. But as I said earlier, I also must express my concerns with proposals that seek to regulate food and beverage choices in schools from the Federal level.

I am wary of Federal policies that interfere with the local autonomy of State and local schools in this matter. In addition, studies have shown that parents and educators need to work with our youth to educate them about the right choices they can make for dietary health. The best way to get a child to do something different is to tell them they cannot do it sometimes. Instead of dictating to our children, we have a responsibility to teach them about their choices and encourage them to make the right choices for themselves.

The rural development title also has much assistance for America. Throughout the farm bill debate, there has been much discussion regarding investing in rural communities across our Nation, and I am pleased to have had the opportunity today to highlight just a few of the ways in which this farm bill helps us to further invest in rural America.

One of the things we have noticed, as we have seen economic decline in rural America, is that we must build the infrastructure in our rural communities so they can have access to the increasing markets overseas and nationally. It has become apparent to me that the effect of our Federal environmental rules and regulations is also felt most heavily in small and rural communities. These communities do not have the economies of scale because of the small population for very expensive updating required for their water and wastewater systems that they must do in order to comply with Federal law. Something a large urban community could handle can literally bankrupt a smaller community seeking to comply with our clean water and safe drinking water standards. Because of that, I

have fought for years to promote a program called Project Search which we established in the 2002 farm bill to provide small rural communities with financial assistance to help them comply with these regulations.

Through the changes made to Project Search's model, small, financially distressed communities in Idaho and across the Nation will now have increased and more streamlined access to Federal assistance in the early stages of water, wastewater, and waste disposal projects. This will help them keep their water clean and help them do so in a way that allows the community to avoid financial ruin.

This farm bill has also made critical reforms to the Rural Broadband Loan Program ensuring that broadband access is provided to those communities with the greatest need.

The Connect the Nation matching grant program will be added to benchmark current broadband access programs and build GIS service maps to promote greater accuracy and understanding of our Nation's broadband networks.

I am also pleased that this farm bill will reauthorize the National Rural Development Partnership.

There are many other important programs included within the rural development title that will have a major impact on our rural communities. Again, I thank my colleagues for working with us to make this part of the title effective.

There are only two more titles about which I want to talk. One is the energy title. The largest energy reserves in our Nation reside in the farmland and forests across this country. Let me say that again. The largest energy reserves in our Nation reside in our farmland and forests across this country.

In order to provide for national energy security, it has become clear that agriculture is a part of the solution. For far too long we have been dependent almost entirely on petroleum as our major source of energy in this Nation. We are far too dependent not only on petroleum but on foreign sources of petroleum. And as anyone working with a portfolio would say, we must diversify. That is why I have supported many of the provisions in this farm bill to move our Nation into more diverse forms of alternative and renewable fuels.

Let's take, for example, biomass. The stored energy in biomass worldwide amounts to approximately 50 billion tons of crude oil equivalent units every year, over five times our current energy needs.

Using 17 million tons of biomass a year for energy could produce up to 7,000 new primary jobs, displace 6.8 million tons of CO<sub>2</sub> from natural gas-fired powerplants, and generate renewable carbon credits that might eventually be worth more than \$200 million.

Through research, we can expand and harness a good part of that astronomical potential, and that is why we in-

cluded biomass provisions in this bill, provisions such as the Crop Transition Program, that will stimulate production and ease transition toward perennial biomass crops. Mr. President, \$172 million would be provided over 5 years for this program.

There would be competitive research grants of \$75 million for biomass to bioenergy programs, focusing on increasing process efficiency and utilization of byproducts, and providing for a regional bioenergy program that is awarded competitively to land grant universities.

I also support a strong focus in this bill on biofuels. We have long recognized the value in providing home-grown fuel in the form of ethanol. It is cleaner, it is renewable, and it reduces our dependence on foreign oil.

As we move forward, it is also clear that as we approach the maximum production limits of our starch ethanol, we also need to move into cellulosic ethanol which must be a primary component of our Nation's ethanol portfolio. America's energy demand will increase 30 percent over the next 22 years, and biofuels are critical to that increase.

Finally, I wish to talk about the trade portion of our bill. As Congress moves forward in a farm bill debate, we often wonder what is the future of American agriculture. I wish to discuss one very important piece of it because it is very clear to all of us that a major part of our future in American agriculture lies beyond our borders. Agriculture production in the State of Idaho is a great example.

According to statistics from the Idaho State Department of Agriculture, if Idahoans had to consume all the farm products produced within the State, every day each resident would have to eat 52 potatoes, 240 slices of bread, 38 glasses of milk or 1.9 pounds of cheese, two quarter-pound hamburgers, two onions, and the list goes on and on. The point being, we depend on other markets for our successful agricultural programs, and trade support must be a critical part of our agricultural programs in this farm bill.

This farm bill contains a number of programs such as the Market Access Program, the Foreign Market Development Program, and the Technical Assistance Program for Specialty Crops, which I talked about earlier, to name a few.

One final point. Senator BAUCUS and I have offered an amendment with regard to trade with Cuba. The future success of our agricultural programs and the ability of this Nation to remain globally competitive depend on our ability to have access to markets beyond our borders. There is a huge debate in this country about whether we should continue to refuse or to limit our trade with Cuba or whether to open trade with Cuba, and I am one of those who believes we should open it.

I recognize we face in Cuba and in the Castro Government a brutal dictatorship, one in which human rights and

civil rights are not recognized or honored in any way realistically. But for us to refuse to trade with them, in my opinion, does nothing to solve that problem and does everything to reduce the opportunities of the United States to influence Cuba, both on economic levels, as well as political levels.

If we look at the economic impact on the United States, our refusal to sell our agricultural products to Cuba does not mean that Cubans cannot eat or they cannot gain these agricultural products. They simply buy them from somewhere else—Canada, Europe, or other places.

Yet if we were to open our trade with Cuba and allow more aggressive U.S. marketing of agricultural products there, a recent study by the trade commission says that exports of fresh fruits and vegetables would likely increase by \$37 million to \$68 million in exports; milk powder exports would more than double; processed food exports would see a \$26 million increase; wheat exports would be doubled to \$34 million; and exports of dry beans would increase by \$9 million, up to \$22 million, to give a few examples.

The point is, there are markets in Cuba for our goods which our producers need to be able to take advantage of, and we will do nothing but increase our ability to work with the people of Cuba to address the political issues they face by doing so.

If we want to have a positive impact on the people of Cuba and the pressures they face under the regime in which they live, then we should open trade, open travel, and open communication so we can take to them an opportunity to see the freedom we experience here and to experience the power of open and free markets.

That is why Senator BAUCUS and I have introduced this legislation, and I hope the Senators here will support this amendment to this critical bill to help the United States in this one area move forward.

When we have significant trade with a nation such as China across the Pacific Ocean, yet we will not open significant trade with a neighbor such as Cuba, 90 miles off our shore, we need to reevaluate the effectiveness of our foreign policy, not only in terms of its impact on U.S. producers but in terms of its impact on our ability to truly reach out and cause the kind of positive change in Cuba that will help them achieve the kind of political freedom and avoid the kinds of oppression and human rights pressures they now face.

I have talked about a number of the portions of the farm bill. There are other very critical portions as well. The bottom line is we have an opportunity in the Senate this month, if we will deal with the amendments that are pending, to move forward on a very critical piece of legislation, a piece of legislation that, as I indicated, deals with the food and fiber of our Nation

and the ability of our people and of people globally to have a better diet, to have a better opportunity to participate in global markets, and a stronger and cleaner environment.

I hope that as we move through this process, we will not make changes to the bill that will make it worse, that instead we will simply adopt those improving proposals and then hopefully soon send on to the House this very significant and important piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3736 TO AMENDMENT NO. 3500  
(Purpose: To modify a provision relating to bioenergy crop transition assistance)

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 3736.

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

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN] proposes an amendment numbered 3736 to amendment No. 3500.

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

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed at this time.

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

Mr. WYDEN. Mr. President, it is my intention to be brief. I am offering this amendment with the distinguished chairman of the Agriculture Committee, Senator HARKIN, and I have had a chance to visit with the distinguished Senator from Georgia, Mr. CHAMBLISS. It is our intention to work very closely with Senator CHAMBLISS in hopes that we can work out the amendment I am going to offer now.

This amendment is an important one because it gives us a chance to promote the use of biofuels to reduce our Nation's dependence on foreign oil. We have worked hard to try to build a broad coalition of organizations, ranging from the National Association of Wheat Growers to the League of Conservation Voters, in an attempt to ensure this proposal would have broad support in the Senate.

From an oil standpoint, I think we all understand the value of promoting biofuels. Our country now imports roughly \$1 billion a day of oil. The fact is—and Senator CHAMBLISS and I serve on the Intelligence Committee—I have come to believe our dependence on foreign oil is a national security issue. When you pull up at a gas pump in this country, whether it is New Jersey or Oregon or Alabama, you, in effect, pay a terror tax. A portion of what you pay at the gas pump in our States, in ef-

fect, eventually finds its way to a government in the Middle East, such as Saudi Arabia, which consistently ends up, through charitable groups and others, back to terrorist organizations that want to kill patriotic Americans. So our dependence on foreign oil has very clear consequences, and it is important for wheat growers and environmentalists and others to come together, as Senator HARKIN and I have sought to do in our amendment with respect to biofuels. It is important as a national security issue, and it is important from an environmental standpoint.

In my view, our proposals can reduce the amount of CO<sub>2</sub> and other greenhouse gases that are being released into the atmosphere and contributing to global warming. Our amendment will provide an opportunity for new sources of income for our farmers and our communities. What Senator HARKIN and I and the wheat growers and the environmental folks have sought to do is to make sure we can get these economic benefits for our farmers in a way that will ensure we protect the land and water and air for the longer term.

The amendment Senator HARKIN and I offer is built on four key principles: We want to promote growing biofuels stocks with sustainable agricultural practices, we want to protect native ecosystems, we want to protect biodiversity, and we want to encourage this biofuels production on a local basis so as to promote local economies. That means assembling enough farmers, growing enough feedstocks, and being in a position to fund a new bioenergy fuel or conversion facility. We give a boost to that effort with some small planning grants in order to help those farmers get off the ground. In addition, we think our proposed amendment is going to set realistic kinds of conservation objectives, again to promote soil and wetlands, avoid the untouched native grasslands and forests, and warrant the investment our country should be making in this exciting area.

At the end of the day—and then I will yield to my friend, the distinguished chairman of the committee—we think bioenergy production can be done in a way that protects threatened ecosystems. The two are not mutually exclusive. It is not a question of bioenergy production or protecting our treasured lands and air and water. We can do both, and that is what the distinguished Senator from Iowa, the chairman, and I have sought to do.

I am really pleased—I think the chairman may not have been on the floor—that we have the National Association of Wheat Growers in alliance with the League of Conservation Voters. It doesn't happen every day. I had a chance to visit with the distinguished Senator from Georgia, Mr. CHAMBLISS, and what I was trying to do was to talk

DECEMBER 6, 2007.

Re Wyden-Harkin Amendment to the Senate Farm Bill

DEAR SENATOR WYDEN: The organizations signed onto this letter urge you to support the Wyden-Harkin Amendment to the Senate farm bill which provides critical improvements to a new Bioenergy Crop Transition Assistance Program in the farm bill's Energy Title.

Sustainable bioenergy production from agriculture holds substantial promise for promoting rural economic development, reducing dependence on imported fuels, enhancing the environment and reducing greenhouse gases. While the farm bill Energy Title contains several programs for research and development of the next generation of bioenergy refineries, the Bioenergy Crop Transition Assistance Program is the only measure designed to assist farmers and foresters who want to start producing cellulose bioenergy crops.

The Bioenergy Crop Transition Assistance Program was originally designed to provide incentives to farmers and foresters to plant and grow bioenergy crops in a sustainable manner. Many bioenergy crops—particularly perennial native species—will be grown for production for the first time in regions across the country. The goal of the original measure was to give farmers and foresters financial assistance and incentives to use good conservation measures with new bioenergy crop systems and to generate information that other farmers can use to grow sustainable bioenergy crops.

The current Senate farm bill language, however, will not achieve these original goals. A farmer or forester cannot participate unless there is a formal financial commitment from a biomass energy facility. This prevents farmers and foresters from undertaking trial plantings of bioenergy crops and would exclude bioenergy facilities under development from participating. Adequate conservation goals are missing and funding could be used to support agricultural or forest practices that harm wildlife and destroy native habitat. The limited funds are not targeted to perennial systems which can increase soil quality and carbon sequestration and decrease soil erosion and field run-off.

The Wyden-Harkin Amendment would help ensure that the farm bill's incentives for bioenergy production to increase the nation's energy security and achieve substantial economic gain for rural communities at the same time improve the rural environment and conserve the nation's natural resources. It would help accelerate the challenging transition from traditional row crops to more sustainable perennial feedstocks for bioenergy.

The Amendment would provide modest grant funding for groups of farmers or foresters and local entities to join with the bioenergy sector in conducting feasibility studies for bioenergy crop production. It allows participating farmers and foresters to undertake trial plantings of bioenergy crops at the planning stages for bioenergy development. The Program's limited funding is targeted to perennial crop systems that can increase soil quality and carbon sequestration and decrease erosion and field run-off. The Amendment restores conservation goals to ensure that funding under this Program does not increase environmental degradation, harm wildlife or destroy native habitat.

The emerging bioenergy sector provides a unique opportunity to create an industry that supports agriculture, environmental goals, energy security, and local economic development. Policies that do not consider all of these issues could fracture the coalition that supports bioenergy production,

about the fact that this is an exciting coalition that adds a lot of energy and passion for the future to this bill.

Mr. President, I wish to yield at this time to my friend, the distinguished chairman of the committee. It is our intent to work with the Senator from Georgia in hopes that we can all work this out. We had a good conversation before we got on the floor, and I thank the Senator from Iowa for all his assistance.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, are we under a time limitation here?

The PRESIDING OFFICER. No.

Mr. HARKIN. Mr. President, I wish to thank my colleague and friend from Oregon for sponsoring this amendment. I am proud to be a cosponsor of it.

Quite frankly, this amendment brings us to where we initially started when we started talking about biomass production for biofuels. If we do it right—if we do it right—I predict that 5 years from now, by the end of the life of this farm bill, we will see cellulosic ethanol plants springing up like mushrooms all over the country—in the far west, in the Plains States, the southeastern part of the United States, all over America, using different inputs such as wood pulp, fast-growing poplars, pine, switchgrass, Buffalo grass, miscanthus, and various other species depending upon the area of the country you are from.

In order to get there, we have to merge two things. Right now, I say to my friend from Oregon, we have a classic chicken-and-egg situation. You can't get investors to invest in biorefineries for cellulose because they ask a very important question: Where is the feedstock? Well, then you go to farmers and say, we would like you to grow biomass for cellulosic ethanol, and they ask a very important question: Where is the market? So on the one hand you have investors saying where is the feedstock, and then the farmers saying where is the market, and we have to get these two together.

Well, in the farm bill before us—and my friend knows this very well—we have very good provisions for loan guarantees for biorefineries. So on the investor end, I think we have done a really good job with this bill of looking at that. On the other end, providing the transition payments and support to farmers to grow biomass feedstocks, this amendment fills in that gap. This says to farmers: Look, you can go ahead and transition some of your land to producing biomass crops, such as perennials, and you can do it without having a long-term financial commitment to a biorefinery, and you can do it by adhering to conservation goals.

Now, that is the other part of this amendment that is so important. What this amendment basically says is: Look, we will be glad to give you—an individual farmer—financial support for establishment. Because if you are going to transition from row crops to

perennials for biomass production, that may cost some money. You may have to buy some new equipment or change your practices or that type of thing. Maybe you have to separate out a certain section of your land. Well, that is a transition cost, and this provides for 50 percent matching money for those transition costs.

The other thing is to provide for a rental payment, a rental payment to a farmer to make up the revenues lost on the land while the crop is being established. For example, if you have a row crop or something now, but you want to, say, take a certain part of your land and you would like to start growing biomass, well, your income from that will probably be a little less for the first few years. So what the Wyden amendment does is it provides for a rental payment for that period of time.

The other key thing is it provides for a preference for enrollment in the Conservation Stewardship Program. Now, again, in order to get this, the contract the farmer would sign would require them to limit their plantings to noninvasive species, enroll only land that was previously used for agricultural purposes, potentially including grazing and CRP lands. In other words, you couldn't take lands out of the WRP program or that type of thing. You have to meet the stewardship threshold of the CSP program by the end of the contract period, and you have to limit the harvest of your biomass crops to time periods outside the major brooding and nesting season for wildlife and avian species in your area.

So again, this is a very good amendment, I say to my friend from Oregon. It is very well thought out and very well tailored. And the Senator from Oregon is absolutely right, we have a lot of groups supporting this amendment. I may be repeating what the Senator said—I didn't hear all of his remarks—but we have a letter here from the National Wildlife Federation that includes 94 different groups that support the Wyden amendment, everything from the American Corn Growers to the Audubon Society, the Center for Rural Affairs, Defenders of Wildlife—basically, a lot of wildlife groups all over this country supporting this amendment.

Did the Senator ask consent to put those in the RECORD?

Mr. WYDEN. I thank the chairman for all his assistance in this. We have not put it in the RECORD, so if you would do that, that would be very helpful.

Mr. HARKIN. Mr. President, I ask unanimous consent to have printed in the RECORD the letter and the signatories of the groups from the National Wildlife Federation supporting the Wyden amendment.

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

thereby making future policy initiatives all the more difficult.

Thank you for your consideration of our request that you support the Wyden-Harkin Amendment to the Senate farm bill.

Sincerely,

AERO, Alternative Energy Resources Organization, Agricultural Missions, Inc. (NY), Agri-Process Innovations (AR), Alliance for a Sustainable Future, American Agriculture Movement, American Corn Growers Association, American Farmland Trust, American Society of Agronomy, Animal Answers (VT), Audubon Minnesota (MN), BioLyle's Biodiesel Workshop (WA), Biomass Gas & Electric LLC (GA), Bronx Greens (NY), California Institute for Rural Studies, Caney Fork Headwaters Association (TN), C.A.S.A. del Llano, Inc. (TX), Catholic Charities of Kansas City—St. Joseph, Center for Earth Spirituality and Rural Ministry (MN), Center for Rural Affairs, Center for Sustaining Agriculture & Natural Resources, Washington State University (WA), Clean Fuels Development Coalition, Clean Up the River Environment (MN), Coevolution Institute, Cornucopia Institute, Crop Science Society of America, CROPP Cooperative/Organic Valley, Cumberland Countians for Peace & Justice (TN), Dakota Resource Council, Dakota Rural Action, Defenders of Wildlife, Endangered Habitats League (CA), Environmental Defense, Environmental & Energy Study Institute, Environmental Law & Policy Center, Farmworker Association of Florida, Fresh Energy (MN), Friends of the Earth, Hancock Public Affairs (NY), Illinois Stewardship Alliance, Independent Beef Association of North Dakota, Innovative Farmers of Ohio, Institute for Agriculture & Trade Policy, Iowa Farmers Union, Izaak Walton League of America, Kansas Rural Center, Land Stewardship Project, Local 20/20 (Jefferson County WA), Maysie's Farm Conservation Center (PA), Michigan Land Trustees, Minnesota Center for Environmental Advocacy, Minnesota Conservation Federation, Minnesota Farmers Union, Minnesota Food Association, Minnesota Project, Mississippi Biomass Council, National Audubon Society, National Campaign for Sustainable Agriculture, National Catholic Rural Life Conference, National Center for Appropriate Technology, National Farmers Organization, National Wildlife Federation, Nebraska Wildlife Federation, Network for Environmental & Economic Responsibility (TN), New Fuels Alliance, NOFA/Mass (Northeast Organic Farming Association/Mass), Northern Plains Sustainable Agriculture Society, Northwest Biofuels Association, Orapa Limited (TN), Oregon Environmental Council, Organic Consumers Association, Pacific Biofuels, Pennypack Farm Education Center for Sustainable Food Systems (PA), Pinchot Institute for Conservation, Progressive Christians Uniting, ReEnergizeKC, a Project of Heart of America Action Linkage, Robyn Van Eyn Center (PA), Rural Advantage (MN), Sierra Club, Social Concerns Office—Diocese of Jefferson City (MO), Soil Science Society of America, Southern Alliance for Clean Energy, Southern Sustainable Agriculture Working Group, SUN DAY Campaign (MD), Sundays Energy (MN), Sustainable Agriculture Coalition, The Corporation for Economic Opportunity

(SC), Union of Concerned Scientists, Washington Sustainable Food & Farming Network, Western Organization of Resource Councils, World Wildlife Fund—U.S.

Mr. HARKIN. Mr. President, I also have a letter here, also from a coalition of conservation organizations, the American Sport Fishing Association, Ducks Unlimited, Izaak Walton League of America, Pheasants Forever, Quail Forever, Trout Unlimited, and again a number of groups supporting the Wyden amendment. So I ask unanimous consent to have printed in the RECORD the letter and the signatories thereto.

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

DECEMBER 7, 2007.

DEAR SENATOR: As the coalition of America's leading conservation organizations, we urge your support for the Wyden-Harkin Amendment to the Farm Bill. This amendment provides needed improvements to a new Bioenergy Crop Transition Assistance Program (BCTAP) within the bill's Energy title that would make the program work better for both farmers and wildlife.

The BCTAP was originally designed to provide financial assistance and incentives to farmers and foresters to get started growing next generation bioenergy crops in a sustainable manner. It is the only farm bill program that is designed specifically to help farmers and foresters establish cellulosic bioenergy crops. Many of these bioenergy crops—particularly perennial native species—will be grown for production for the very first time in many regions across the country. The goal of the original measure was to give farmers and foresters financial assistance and incentives to use good conservation measures with these new bioenergy crop systems and to generate information that other farmers could use to grow sustainable bioenergy crops.

However, the current Senate Farm Bill language will not achieve these original goals. As presently written, participation by a farmer or forester is dependent upon a formal financial commitment from a biomass energy facility. This would prevent farmers and foresters from undertaking trial plantings of bioenergy crops and would exclude those growing crops for bioenergy facilities still under development. Conservation goals are also missing from the current Senate bill and funding could be used to support agricultural or forest practices that harm wildlife, introduce invasive species, destroy native habitat, or convert perennial grasses that have been restored for wildlife and other conservation purposes (such as has been done in the CRP) to fast-growing trees. Moreover, these limited funds are not targeted to promoting development of perennial systems. Developing perennial systems is vital because of their strong promise in serving as future sources of energy, while improving soil quality, increasing carbon sequestration, and decreasing soil erosion and field run-off. And because farmers have little experience with such systems, development assistance will be key to achieving the great potential of perennials.

The Wyden-Harkin Amendment would improve the BCTAP within the Farm bill and address the existing deficiencies found in the current language. Specific improvements include: Offers matching grants of up to \$50,000 to farmer groups, counties, or other local entities for feasibility studies and planning including outreach to farmers about bioenergy crop production; stipulates that a letter of

intent from an existing or planned facility is sufficient to allow farmers to apply for assistance in planting and maintaining bioenergy crops, allowing farmers more flexibility to field test new perennial bioenergy crops for proposed and existing bioenergy facilities encourages participating farmers to meet reasonable conservation goals in return for financial assistance and incentives to establish and maintain perennial bioenergy crops under a 5-year contract with USDA; limits eligible land to that which has already been used for production, such as previously cultivated land, managed pasture, or clear-cut forest land—ensuring that public subsidies do not promote the loss of native habitats; and restricts harvesting of bioenergy crops until after bird nesting and brood rearing seasons, which is typically not a problem for the harvesting dates sought by most bioenergy companies anyway.

Bioenergy production from agriculture holds substantial promise for promoting rural economic development, improving energy independence, enhancing habitat for some species of fish and wildlife, and reducing greenhouse gases. As this burgeoning industry and the technologies developed to support it continue to grow, it is vital that all these factors be considered to ensure its long-term sustainability. The Wyden-Harkin Amendment does just that and we encourage you to support it in the Farm Bill.

Sincerely,

American Sportfishing Association; Association of Fish and Wildlife Agencies; Ducks Unlimited; Izaak Walton League of America; Mississippi Fish and Wildlife Foundation; National Wildlife Federation; Pheasants Forever; Quail Forever; Quail Unlimited; Theodore Roosevelt Conservation Partnership; Trout Unlimited; and The Wildlife Society.

Mr. HARKIN. Lastly, the National Association of Wheat Growers and IOGEN Corporation together have sent a letter in support of the Wyden amendment. I ask unanimous consent the letter be printed in the RECORD.

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

DECEMBER 6, 2007.

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

Hon. SAXBY CHAMBLISS,  
*Ranking Member, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER CHAMBLISS: We wish to express our support for the efforts both in your chamber and in the House of Representatives to provide appropriate incentives for agricultural producers interested in producing non-traditional biomass crops as feedstock for commercialized cellulosic ethanol.

We appreciate your co-sponsorship of a substitute amendment offered by Sen. Ron Wyden that would, in part, establish a Bioenergy Crop Transition Assistance Program within the Senate's 2007 Farm Bill. We also recognize and commend House Agriculture Committee Chairman Collin Peterson for including similar provisions in the House-passed version of H.R. 2419.

Both of these programs recognize that, for the potential of cellulosic ethanol to be fully realized, there is a need to encourage growers to begin establishing crops for which no market, as of yet, exists. As you know, farmers operate in a business environment with a multitude of risks and, therefore, tend to avoid risk wherever possible. Committing to grow crops for a yet-to-arrive market qualifies as an easily avoided risk. Yet commodity crop residues can carry cellulosic

ethanol only so far, and dedicated energy crops will be needed before long. Encouraging producers to begin experimenting with crops that may require innovative agronomy and for which there is no market will require just the type of transition program both House and Senate provisions are attempting to provide.

We are in wholehearted support of your and Chairman Peterson's goals, and hope to continue working with you to refine the legislative language. In both the House and Senate versions there are provisions that we find commendable and others which we believe can be improved through further collaboration with you and your colleagues. For example, we would encourage you to consider including in the final legislation a small plot pilot program as outlined in the attached document. We are currently in the process of creating a side-by-side comparison of the House and Senate language including our comments on specific provisions, which we will share with you shortly.

The future of the cellulosic energy industry is predicated on the ability and willingness of growers to produce biomass feedstock. We appreciate your ongoing support of measures that would provide for an effective transition into commercial production of these crops, and look forward to continued work together on these issues.

Sincerely,

JOHN THAEMERT,  
President, National  
Association of  
Wheat Growers.

BRIAN FOODY,  
President and CEO,  
Iogen Corporation.

Mr. HARKIN. Again, this amendment is broadly supported. This is an amendment that is good for the entire country, not just Oregon but also for Iowa, for the plains States, and for the southeastern part of the United States. This is good for America. This is good for our farmers.

It will get us moving on the right path toward biomass production, and at the same time protecting our environment, protecting our wildlife habitats, and making sure that cellulosic ethanol from biomass gets a firm foothold, as I said, within the life of this farm bill. Probably by the end of this farm bill, as I said, if we do it right—and the Wyden amendment is the amendment that makes sure we do it right—then we will see the cellulosic plants springing up all over the country. We will have better wildlife, we will have more ducks, more pheasants, more geese. We will have more hunting grounds for hunters and fishermen. We will have better and cleaner water. We will have the energy we need in America growing in this country.

I applaud the Senator from Oregon. It is a very thoughtful amendment, very farsighted, very meaningful, and I hope we can adopt it overwhelmingly.

Mr. WYDEN. Mr. President, I am going to wrap up very briefly, and I know the Senator from Alabama was waiting, but the Senator from North Dakota wanted to do a very brief unanimous consent request, and I think that is acceptable to all Senators.

I thank the Senator from Iowa for his assistance. What the Senator from Iowa essentially described, by way of

bringing together people such as wheat growers and corn growers and conservation groups and the Wildlife Federation, the League of Conservation Voters—this is the future of modern agriculture: bringing all these folks together so we can take steps that will ensure that farmers grow their incomes. We want farmers to prosper on the land. We want to make sure their kids have a future in agriculture. To do it, we are going to have to adopt, as the Senator from Iowa has pointed out, an approach that encourages more sustainable agriculture.

We think this is a winner for farmers' income. We think this is good for the environment. We think it is going to promote conservation.

The Senator from Georgia has left the Senate floor, but it is my intent, with the Senator from Iowa, to work closely today and over the next day or so to make an agreement that will be acceptable all around. I think we are capable of doing it. I thank the Senator from Iowa, once again, for his support and that of his staff on some other issues as well—the illegal logging question, where the chairman has been so helpful.

I yield the floor.

MODIFICATION TO AMENDMENT NO. 3695

Mr. DORGAN. Mr. President, if it will be permissible, I ask unanimous consent to modify an amendment. I have cleared this with Senator CHAMBLISS and Senator HARKIN. I ask for the regular order on my amendment No. 3695 for the purpose of modifying it.

The PRESIDING OFFICER. The Senator has a right to call for regular order.

Mr. DORGAN. The modification is at the desk. I ask the amendment be so modified.

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

The modification is as follows:

(C) \$15,000,000 for fiscal year 2012;

(7) the improvements to the food and nutrition program made by sections 4103, 4108, 4208, and 4801(g) (and the amendments made by those sections) without regard to section 4908(b);

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3596

Mr. SESSIONS. I call up amendment No. 3596.

The PRESIDING OFFICER. Without objection, the amendment will be once again the pending question.

Mr. SESSIONS. Mr. President, I believe I will have an hour debate on this, 30 minutes on each side. I ask I be recognized for 10 minutes tonight and be notified when that 10 minutes has run.

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

The Senator is recognized for 10 minutes.

Mr. SESSIONS. Mr. President, first I would like to share in the gist of the remarks of Senator WYDEN, that OPEC is a cartel. They meet to decide how much production they will allow. The

reason they do that is to control the price of oil in the world marketplace. By controlling the amount they produce, they control the price. It is a cartel price, it is not a free market price. They call themselves a cartel. In effect, they meet to decide how much they are going to tax the American consumer. That is because the value of the oil on the global marketplace is disconnected to the cost of its production throughout the world.

I think we should do what we can with ethanol and other alternative fuels to reduce our dependence on foreign oil, both for our economy, as well as for our national security.

I thank Senator HARKIN for his leadership as chairman of the Agriculture Committee. He has been courteous to me and other Senators in any number of ways. I thank Senator CHAMBLISS for his leadership and his expertise, particularly concerning matters in our region of the country.

My amendment has to do with crop insurance. I truly believe it is an amendment that will be a good-government amendment that will allow us to test an idea that came from farmers themselves and could, indeed, create a situation in which crop insurance works better in America than it currently does.

Crop insurance alone has not worked as well as we expected. Many farmers don't sign up, one farmer told me today. That alone should tell you something. He said farmers are pretty clever. They know a good deal when they see it. If they are not signing up, usually there is a reason.

But crop insurance is a critical component of farming in America today. We need more farmers signed up. We need more farmers insured. How we get there is the question. The farm insurance program that the Government funds and helps support has not ended the periodic disaster payment bills that Congress has considered. Since the year 2000, \$1.3 billion per year has been appropriated by this Congress as disaster relief, indicating that the crop insurance is not yet covering the losses that farmers are sustaining. In addition, we are supporting crop insurance premiums to the tune of \$3.25 billion a year. That is a lot of money.

What can we do? I suggest we should listen to the farmers. In 1999, the Alabama Farmers Federation held a conference and formed a committee to see what could be done to improve crop insurance. That committee was led by Ricky Wiggins, a cotton and peanut farmer in south Alabama, and concluded that farm savings accounts could do that. That is what they recommended. My amendment would create and allow the Department of Agriculture, in fact, to create farm savings accounts for farmers. The Federal Government subsidy that has been going to insurance premiums would go into this account, and the farmers' part of the premium would go into this account. It

would be their controlled insurance fund.

I talked to Secretary Johanns about this when he was our Secretary, and he liked the idea. He thought it was premature to try to mandate this around the country. We discussed a pilot program and he thought that was a good idea and that is what I am proposing in this amendment.

The concept would be for the Department of Agriculture to create and implement regulations for a pilot program. It would be limited to just 1 percent of farmers throughout the country. That is only approximately 20,000 farmers nationwide. It would create a whole farm risk-management account for all the farming activities, not just on a commodity-by-commodity basis. The combination of two and three failures of a small nature can put a farm in critical condition, and often they are not able to collect on their crop insurance because no one particular crop has been badly damaged. Farm savings accounts would overcome this by providing more flexibility.

The Federal Government would contribute, the farmer would contribute, and when a disaster occurs, a farmer would be allowed to withdraw the money from his emergency fund. If his income fell below 80 percent of his 3-year farm income average, unless there was change in his activities, he would be able to draw money out of that account. But the farmer also must have catastrophic insurance through an insurance company because it is still possible that there would be a catastrophe and he would have a total loss and would need the kind of coverage this farm savings account does not provide. The pilot program would be totally voluntary. No farmer would be required to participate.

I believe the results of this pilot program could be substantial. It would certainly save overhead. It would create a situation where the farmer could decide how to utilize his resources. Today, if a farmer believes his crop is a total loss, he calls in an adjuster. The adjuster has to look at the crop and has to certify that this crop is likely to be a failure at the time it is harvested and would not be worth carrying forward. This will allow farmers in many circumstances to plow under that crop and replant another crop. Until he gets the certification that his insurance is going to pay, he is delayed from doing the replanting. This can be crucial because as the weeks go by the season gets shorter and the farmer has less and less ability to replant.

Those are things I hear about a lot. They come to me and complain. I called insurance companies on behalf of farmers. It is a difficult situation for both sides. The insurance companies have legitimate reasons to be cautious and responsible with their money. Farmers have a legitimate reason to seek prompt payment so they can move forward.

Farm savings accounts could reduce the amount of disaster relief that our

Nation is paying out each year. I believe it is an amendment that my colleagues should sincerely consider.

In conclusion, let me say this about it. We will talk about it more tomorrow. This is a farmers plan. They came forward with it. The Alabama Farmers Federation is an affiliate with the American Farm Bureau. They strongly support it. The Farm Bureau itself has not taken a position on it. They are not opposing this legislation.

It would apply only to 1 percent of farmers. It would be voluntary. No farmer would have to sign up for it. The decisionmaking for how to utilize the money when a disaster occurs would be given to the farmer and not an insurance adjuster. And we can see how it works. Maybe it will not work, and maybe we will realize this is not the way to go. But, then again, it might work. In fact, I think it will work. In fact, I think our farmers were very smart when they asked for this.

I believe quite a number of farmers may find this is far more effective for them than the present system we are utilizing. One can conjure up objections that might occur. Certainly, for some farmers this would not be something they would want to opt for, but I believe the Department of Agriculture can work through this and create some guidelines and regulations that would work.

So I say, let's try. Let's give this idea a chance. Let's see if we can create a better way of handling insurance for a number of farmers. After a few we will have learned something. I urge my colleagues to consider this legislation as we go forward with this farm bill. We will probably have a vote on it tomorrow. I truly urge them, let's try this. If you have any objections, I would be pleased to try to address them, and we will speak in more detail about the amendment tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 3830 TO AMENDMENT NO. 3500

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside the pending amendment and I have an amendment that I send to the desk and ask for its immediate consideration.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. KENNEDY, proposes an amendment numbered 3830 to amendment No. 3500.

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

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

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

Mr. HARKIN. Mr. President, it looks as though we are wrapping up here for the day. I do not know of other speakers who want to come to the floor.

We are now working, I might inform fellow Senators, on a unanimous consent agreement that we hope to propound shortly that will set up some votes for tomorrow, I think hopefully about five votes that have been agreed upon. We are working on the consent to get those lined up right now so we can have those first thing tomorrow.

Quite frankly, I am very optimistic. I thank all of the Senators who came here today, debated their amendments. I thank the ranking member, Senator CHAMBLISS. We have been working together on this. If we get these amendments agreed to, to dispose of them early tomorrow, and then work through other amendments tomorrow—hopefully we can work a little bit later than perhaps we did today—I can see that we can have a lot of votes tomorrow.

We have two or three amendments on the farm bill that we, by mutual agreement, were going to bring up on Thursday. The end may be in sight. The end actually may be in sight on this farm bill. I am hopeful this week, if we continue on the pace we are going, we can do that.

Mr. President, I ask unanimous consent on the amendment I just placed at the desk to add Senator GREGG as an original cosponsor.

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

Mr. HARKIN. Mr. President, I take this opportunity to say a few words about a couple of amendments that are offered and are pending that we may have votes on tomorrow.

AMENDMENT NO. 3553

First, the Alexander amendment No. 3553 that the Senator from Tennessee discussed earlier. The tax package that was added to the farm bill includes a small wind tax credit of up to 30 percent, or \$4,000, for small wind turbines installed at a residence or a business. A small wind turbine is one with generation capacity of less than 100 kilowatts. The amendment offered by the Senator from Tennessee, amendment 3553, would limit the eligibility of this to only wind turbines installed on farms or at a rural small business.

Well, you might say: What is wrong with that? At first blush that sounds all right, except that we have new technologies coming on line, small wind turbines that are very effective, cost effective, that will be used on farms, will be used at some small businesses. But I can also see some of them being used for plain old residences. They may be rural, they may be in rural areas, but they would be on farms. They may not be a business or a farm, but they will be rural residences. They ought to be allowed also to have access to this.

I think the amendment unduly restricts the number of people who can be eligible for purchasing these small wind turbines. Also, it says "a rural small business." Well, a rural small business has a rather definite definition, a restricted definition. So there may be a lot of small businesses that would want to put up a wind turbine for their small business, but they may not be classified as a rural small business.

It could be in a small town, it could be in the suburbs, it could be in metropolitan areas, but they are on the outskirts of a metropolitan area, but they may not be listed as a "rural small business." So why would we want to say to a small business that might be in a rural area, classified in a rural area, but 10 miles away, you would have a small business that might not be classified as rural, but they would not be eligible for it even though they could use and would be inclined to construct or buy a small wind turbine?

Again, I think we want to keep the amendment open to a broader population. It means more wind power installations, more clean and renewable power. Again, the Senator from Tennessee is probably correct, and the majority of these may well, I hope, be put in rural areas, on farms, or at rural businesses. But why would we want to restrict that if we want clean, renewable energy in this country? We want to get off the oil pipeline.

It would seem to me we would continue to encourage this wherever we could. I think the Finance Committee had it right. They had it right, and they drafted it right. I hope we will keep the amendment as written and defeat this Alexander amendment on wind power.

AMENDMENT NO. 3551

Again, Senator ALEXANDER also has an amendment No. 3551, much along the same lines. Right now, rural landowners receive an easement payment when electric transmission lines are sited on their property.

Well, the Finance tax package in the farm bill includes a section which would allow property owners to exclude these easement payments from their gross income when calculating their tax payments if the transmission property meets certain requirements, including high voltage and used primarily to transmit renewable energy.

Again, do we not want to encourage renewable energy? Do we want to get off the pipeline? We want to encourage rural landowners to be more prone to let a transmission line be constructed across their property if it is renewable electricity.

That is what the amendment does. It allows them to exclude the easement payment if it meets the voltage and renewable use requirements. So, again, this is another small thing to do to help encourage the development of wind power and wind farms or solar energy or geothermal energy; it could be any of those.

Since a lot of these will be located in rural areas, they are going to need to build transmission lines across the farms in rural areas, so the Finance Committee added this to the farm bill. It can help support transmission access development for renewable energy and expand and modernize the transmission grid, and benefit consumers nationwide by bringing down the cost of renewable electricity. But it is often the farmers and ranchers who see the actual infrastructure on their property. This is, again, another way of encouraging, as rapidly as possible, the building of more renewable energy systems in the country.

AMENDMENT NO. 3671

Lastly, Mr. President, Senator GREGG today offered amendment No. 3671 to strike the Farm and Ranch Stress Assistance Network from the farm bill.

I listened a little bit to what the Senator had to say. I want to make it very clear for the record that this is not a mandatory program. This is only an authorization. It is fully discretionary. It is up to, of course, the Agriculture Appropriations Committee to appropriate money for it. Senator GRASSLEY, and a lot of other members are supportive of this provision. The Farm and Ranch Stress Assistance Network provision is a bipartisan part of the farm bill. We included it to respond to an increase in the incidences of psychological distress and suicide in rural areas.

Farmers and rural residents often lack affordable health insurance, and they lack any close proximity to any mental health treatment services. So this program we included would provide telephone help lines, Web sites, support groups, outreach services to farmers, ranchers and rural residents who need this help.

Again, it is an authorization only. There are no mandatory funds. I find it odd this provision is singled out when there are no mandatory funds involved. Farmers increasingly face a lot of stress. They have no control over many factors such as drought, blizzards, floods, ice storms, as we are having in Iowa right now, financial difficulties beyond their control, foreign markets, imports, disease, different things that happen. A lot of times farmers have no control over these. It can be compounded if a farmer or rancher has some poor physical health problems, in addition, and they lack insurance coverage. So again, it is trying to establish some rural help lines so a farmer out there, rancher out there who feels stressed might want to call and seek some help and assistance.

Farmers and ranchers pride themselves on being rugged individuals. That they are. But that doesn't mean they are not subject to stress. That doesn't mean they don't commit suicide. They do. That doesn't mean they sometimes get so stressed out they act out in violent ways. It happens to the best of people and the most rugged of

individuals. I have been approached—I am sure others have—by a lot of farm groups asking that we do something more to assist farmers and farm families who have had stresses. That was why we set up the Farm and Ranch Stress Assistance Network. It had never been done before. We wanted to test it out and see if it might work and might help save a few lives, keep a few families together, cut down on spousal abuse, cut down on maybe even some child abuse in some cases. It is a good part of the farm bill. I hope Senators will oppose the Gregg amendment and keep the rural stress assistance network as part of the farm bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

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

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

(The remarks of Mr. ENZI pertaining to the introduction of S. 2448 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SUNUNU. Mr. President, it was 8 degrees in Manchester this morning. Home heating oil costs \$3.27 per gallon. These are the cold, hard facts of winter in New England—8 degrees; \$3.27 per gallon. As we continue debate this week on a comprehensive energy bill, let's keep these numbers in mind, and let's not pass energy policies that increase the cost of heating our homes in the winter.

The Federal Government has limited power to reduce energy prices in the near future. Taxes and regulations can greatly increase them, but Congress is in poor position to affect the laws of supply and demand. So what are we to do to help those most in need during the long, cold winter?

Fortunately, there is a program in place to help low-income households pay to heat their homes; a program that does a good job getting assistance to those who need it; a program that I have consistently supported during my 11 years here in Congress: the Low Income Home Energy Assistance Program, or LIHEAP.

LIHEAP works. It is administered by the States and by local agencies that know the people receiving assistance. Congress passed the precursor program back in 1980, and the program has grown over the years, to \$3.2 billion nationwide in 2006.

Last year, under the continuing resolution, LIHEAP funding was roughly a billion dollars less. Because we have provided less money for the program, Health and Human Services is providing less money to States. So far, HHS has only been able to release 75 percent of each State's traditional allocation under LIHEAP.

Since my first year in Congress, I have consistently supported funding for LIHEAP. I have asked President Clinton and President Bush to support

LIHEAP. I have asked Republican appropriations chairmen and Democratic appropriations chairmen to increase support for LIHEAP. I have asked Health and Human Service Secretaries to release contingency funds in response to heat waves in the summer and cold snaps in the winter. And today, I have joined the senior Senator from New Hampshire, Mr. GREGG, as a cosponsor of an amendment to the farm bill that would provide an additional \$924 million for LIHEAP this year. The Senator from Vermont, Mr. SANDERS, has introduced a bill that would provide a billion dollars in emergency funds for LIHEAP, and I am a cosponsor of that legislation as well.

I have joined colleagues from both parties in requesting additional support of LIHEAP in the Omnibus appropriations bill that is now being drafted, and I have joined colleagues from both parties in seeking a meeting with Director Jim Nussle at the Office of Management and Budget in order to press for support for this vital program.

The Low Income Home Energy Assistance Program has broad bipartisan support in the House and the Senate. We are pursuing a number of ways to get this increased assistance out to people who are having trouble heating their homes.

Quite frankly, these folks don't really care how we go about it. They just know that it was 8 degrees this morning in Manchester and that heating oil costs \$3.27 per gallon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—H.R. 6

Mr. REID. Mr. President, I ask unanimous consent that any cloture filed on Wednesday, December 12, with respect to H.R. 6, the Energy bill, be considered as having been filed on Tuesday, December 11.

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

Mr. REID. Mr. President, I ask unanimous consent that the vote in relation to the Dorgan-Grassley amendment No. 3695 occur at 9:15 a.m. on Thursday, December 13.

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

Mr. REID. Mr. President, I ask unanimous consent that when the Senate resumes H.R. 2419 tomorrow, December 12, it proceed to vote in relation to the following two amendments in the order listed, with no amendments in order to the amendments prior to the votes, and that there be 2 minutes of debate prior to each vote, equally divided and controlled: Gregg amendments Nos. 3671 and 3672, with the second vote 10 min-

utes in duration; further, that on Wednesday, December 12, the following amendments be debated for the time limits specified, with all time equally divided and controlled in the usual form, with no amendments in order to any of the amendments covered under this agreement prior to a vote in relation to the amendment: Alexander amendments Nos. 3551 and 3353, with 30 minutes divided as follows: 10 minutes each for Senators Alexander, Bingaman, and Salazar; Cornyn amendment No. 3687, 30 minutes; Dorgan-Grassley amendment No. 3695, as modified, 2 hours; Klobuchar amendment No. 3810, 60 minutes; Gregg amendment No. 3673, 2 hours; Sessions amendment No. 3596, 40 minutes; Coburn amendments Nos. 3807, 3530, and 3632, a total of 90 minutes.

Mr. President, I will add, Senator COBURN, even though I get upset at him for offering all these amendments, some of which I think are not in the best interests of the Senate, is always very agreeable to work with. He is a very pleasant man. I like him a lot. Here is an indication on these amendments, about which he feels strongly. He agreed to a short period of time and rarely takes all his time. A little side comment.

Continuing the unanimous consent request, provided further, that the following amendments be subject to a 60-vote threshold, and that if the amendment achieves 60 votes, then it be agreed to and the motion to reconsider be laid upon the table; that if the amendment fails to achieve 60 votes, then it be withdrawn: Dorgan-Grassley amendment No. 3695, Gregg amendment No. 3673, and Klobuchar amendment No. 3810; further, that in any vote sequence, there be 2 minutes equally divided prior to each vote, and that after the first vote in any sequence, the remaining votes be limited to 10 minutes.

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

## MORNING BUSINESS

### IMPORTANCE OF A CPSC BILL

Mr. DURBIN. Mr. President, I rise to discuss an issue that is very important to Americans, especially during this holiday season: the safety of consumer products.

The string of recalls of toys and other children's products we have all read about in the news over the past 6 months has created uncertainty and anxiety among parents shopping for their children for the holidays.

Parents now come to toy stores armed with shopping lists, as well as lists of toy recalls from the Consumer Product Safety Commission's Web site. Their concern is understandable. This year has seen an unprecedented number of unsafe toys recalled this year—more than 25 million so far, and counting.

They include some of the most popular children's characters: Thomas the

Tank Engine, Elmo, Dora the Explorer, Polly Pockets—even Curious George and SpongeBob SquarePants.

The list of dangers range from high lead content and toxic chemicals to choking hazards and dangerously powerful magnets that can rip open a child's intestines if they are swallowed.

What is going on with all these recalls?

The Consumer Product Safety Commission is responsible for overseeing the safety of more than 15,000 consumer products—everything from toys to power tools.

That agency has suffered deeper staffing and budget cuts than any other Federal health and safety regulator.

Here are some numbers that ought to worry every American:

In 1974, its first year of operation, the CPSC had a budget of \$146 million in today's dollars. Today, its budget is less than half that amount: just over \$62 million.

In the last 3 years, the CPSC has suffered its deepest staff cuts since the Reagan administration—from 471 full-time employees down to just 401.

Today, with imports at an all-time high, the CPSC employs 15 port inspectors for the entire country.

In addition, CPSC does not have the authority or tools it needs to protect American consumers.

The CPSC cannot require premarket testing, cannot order a recall when it knows a product poses a hazard to consumers, and can't quickly notify the public of product hazards.

In some instances, the combination of lack of funding and lack of tools has led to unnecessary, preventable injuries and fatalities suffered by children.

It is hard to imagine that our lead product safety agency does not have these tools.

Fortunately, there is a set of proposals pending in the Senate that will aid consumer safety by restoring the CPSC to a functioning agency and requiring manufacturers of children's products to test and certify the safety of their products.

The Senate Commerce Committee has reported a bill by voice vote, authored by Senator PRYOR, that would fix many of these problems.

Commerce Committee Chairman INOUE and Senator PRYOR, chairman of the Consumer Affairs Subcommittee, deserve credit for a balanced, responsible plan.

The bill would more than double CPSC's current budget, to \$141 million, and increase the agency's staff by 20 percent over the next 7 years.

It would also eliminate the use of dangerous lead in toys; require independent, third-party safety tests of toys before they can be sold in this country; give the CPSC new powers to regulate the marketplace, including more authority to force the recall of dangerous products more quickly; give State prosecutors the authority to enforce Federal consumer safety laws;