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## House of Representatives

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

## Senate

FRIDAY, DECEMBER 7, 2007

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

### PRAYER

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

Let us pray.

O God, our help in ages past, 66 years ago, more than 2,300 Americans died on a day that will live in infamy. But You, O God, transformed this tragedy into

triumph and enabled enemies to become friends. As we again feel the winds of war, bring to us peace on Earth and good will toward humanity. Teach us from our history the importance of making peace a top priority.

Lord, today give to the Members of this body a special measure of wisdom and strength for their challenging tasks. Help them to see what a practical resource they have in You and empower them to complete their business with civility, cooperation, and

competence. Bless the Senate leadership, the leaders of the majority, and the Republicans, their assistants and aides. Bless those who chair committees and subcommittees, those who manage bills and their support people. Fill this Senate with the unmistakable sense of Your presence as You enable our lawmakers to do what without You would be impossible.

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

### NOTICE

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

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

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

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

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at <http://clerk.house.gov/forms>. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT-60.

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman*.

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



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## PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

## RECOGNITION OF THE MAJORITY LEADER

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

## ORDER OF PROCEDURE

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

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

## SCHEDULE

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

## RESERVATION OF LEADER TIME

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

## ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

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

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

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

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

## CLOTURE MOTION

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

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

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to the Senate amendments to H.R. 6, comprehensive energy legislation.

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

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

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

Who yields time?

The Senator from New Mexico is recognized.

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

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

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

courage that took and how happy many of us were that committee had finally done that.

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

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

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

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

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