



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, TUESDAY, DECEMBER 11, 2007

No. 189

Senate

The Senate met at 10 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

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

Let us pray.

Almighty God, you are our fortress. You know everything we do and desire justice and humility. You have ordained human government for the good of humanity.

Guide our Senators by the wisdom of Your Word. Deliver them from the pride that leads to shame as they make obeying You their top priority. Remind them of Proverbs 29:2, that “when the

righteous are in authority the people rejoice. But when the wicked rule, the people groan.” Help our Senators also to remember Your wisdom in Proverbs 29:7, “a righteous person knows the rights of the poor; a wicked person does not understand such knowledge.”

May the business done in this place conform to Your justice and equity. We ask this in Your Name and for Your glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic 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 please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, December 11, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE,

NOTICE

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

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

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

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

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.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the *Congressional Record* may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512-0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

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.



Printed on recycled paper.

S15083

a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

MEASURES PLACED ON THE CALENDAR—S. 2436, S. 2440, S. 2441

Mr. REID. Mr. President, there are three bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

A bill (S. 2440) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

A bill (S. 2441) to amend the Foreign Intelligence Surveillance Act of 1978, to modernize and streamline the provisions of that Act, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business for 1 hour, with the time equally divided as usual, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the farm bill. There has been tremendously good movement on that. All the Republican amendments have been offered. Five Democratic amendments have been offered. We are going to set up a program for voting on these.

For example, some of the most controversial, the one we thought would be controversial that Senator DOMENICI has offered regarding the renewable fuel program, I think probably we can take that. So I think progress can be made.

We have Senator COBURN who has offered a number of amendments. Senator GREGG has offered a number of amendments. But we can set up a voting schedule for those. I think we have every indication that we can complete this bill before we leave and hopefully have it go to conference.

I have spoken to the Republican leader about the conference. We have an idea of how we can do a conference in

this instance. While in some others it could not be done, I think in this instance there is a way we can have a real conference. I hope that is the case.

Under an order entered last night, the Senate will debate the Lugar-Lautenberg amendment for 3 hours. The vote in relation to that will occur sometime after the Senate returns from the caucus recess period today. That will be the first vote today. There could be other votes this afternoon. I will talk to the Republican leader about that. If we cannot schedule more votes this afternoon, we will schedule a load of them in the morning.

A lot of work remains to be done. Members can expect long days as we continue to work toward Christmas, which is 2 weeks from today.

The Senate will recess for the caucus lunch period from 12:30 to 2:15 p.m.

During the next 10 days, we have a lot of work to do. As I have indicated, we are going to try to finish the farm bill. We are going to try to make a significant effort to try to complete our intelligence legislation. We have the AMT which is still pending. Although we have passed it here, we understand the House is going to give us something dealing with that. We have to do our work on that.

We have energy legislation. We are trying to work through that, and we also have our spending. I have had a conversation with the Republican leader this morning on that, and while things do not appear as hopeful as I wish, I am kind of reminded of President Lincoln. If you go to the Lincoln Memorial, you see on the wall the carved words of his second inaugural address, which is so prophetic and so strong, where he talks about both sides are praying to the same God, praying for different results.

You know, I, of course, am confident we are trying to do the right thing on the farm bill, FISA, alternative minimum tax, our spending programs, but I am realistic enough to know there is hopefully some way in between to work all this out. Even though we are all hopeful that our side is right, I have come over the years to learn there is usually some way of working through these things, although this is pretty difficult duty we have now to complete our work in the next few days. I hope we can do that.

As the end of 2007 continues to draw near, we have, as I have indicated, a tremendously busy work period ahead of us. We hope to complete action on the appropriations process which will require the White House, along with House and Senate Republicans, to be responsible and reasonable in the pursuit of common ground.

We will work to complete the Energy bill with the bipartisan compromise that will take our country toward lower energy prices for consumers and a cleaner environment.

We will work to complete FISA legislation to ensure that we have the tools to fight terrorism with fair and, yes,

constitutional tools, and pass legislation that will fund this Government. We know we are going to have to do a very short CR, continuing resolution, to keep the Government open. Hopefully that will be for a matter of days and certainly not multiple weeks.

I look forward to some bipartisan progress. I hope that can be done.

DESTRUCTION OF CIA TORTURE TAPES

Mr. REID. Mr. President, I wish to speak this morning about another issue that concerns not just Democrats but members of both parties and our entire country. It is often said that a man has nothing but his reputation, his honor, and his integrity. I believe that to be the case. This is true not just for men but for countries.

In a thousand years, in a hundred years, when historians write the story of these early days of America, they will, of course, write about our great cities, our military and, of course, our economy. But the real story will be of a young Nation, unique among its global peers, because it has stood for liberty and justice, not just with words but with deeds. The true measure of America is our moral authority. Over the past 7 years, that authority has been significantly damaged: the war in Iraq that did not have to be waged; a CIA agent exposed to harm for telling the truth, Valerie Plame; a Justice Department in shambles with Attorney General Gonzales; the treatment of prisoners held up to no standard except the daily whims of a few people, Abu Ghraib, water torture. But now the word is that the CIA destroyed tapes from some of these interrogations. It has been acknowledged that the interrogations were by using water torture, something that originated in 1492 by Queen Isabella and King Ferdinand in the Inquisition. Here it is hundreds and hundreds of years later, and great America has reverted to what took place in the Inquisition.

The damage to our moral authority will matter to history books, but, more importantly, it matters right now. It puts our troops at greater risk if captured, impairs our relationship with nations that ought to be our allies, it impedes our ability to fight an effective war on terror, it creates terrorists.

This latest news of destroyed tapes raises far more questions than we have answers. For example, who is responsible for destroying these tapes? Why? Was something being covered up? The possibility of obstruction of justice is very real. The American people deserve a full accounting for what took place and answers for all of these questions.

Will that eradicate what has gone on over the last 7 years? Of course not. But it will help. Chairman ROCKEFELLER has launched an investigation in the Senate Intelligence Committee. I am happy that the Intelligence Committee has been working on a bipartisan basis. That is good. Senator BOND