



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, DECEMBER 13, 2007

No. 191

Senate

The Senate met at 8:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

God of the stars, the Sun, and the Moon, You bring peace to our past, power to our present, and hope to our future. We praise You for being our guide even in the darkest night. Continue to show us the path of life and sustain us with the joy of Your presence.

Bless our Senators. Lift their thoughts above the mundane and help them to see their challenges from a divine perspective. Deliver them from paltry and parochial interests and enable them to fulfill their challenging duties in ways that conform to Your will.

Be a shield to them as they look to You for help, and strengthen them as they seek to accomplish Your purposes. We pray in the name of Him who promised to never forsake us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

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.

S15379

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 13, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will immediately resume consideration of the farm bill and conduct a period of debate until 9:15. This debate time is equally divided between the leaders or their designees.

At 9:15 the Senate will conduct two back-to-back rollcall votes. The first vote will be in relation to the Dorgan-Grassley payment limitations amendment. That amendment is subject to a 60-vote threshold.

The second vote will be a cloture vote on the motion to concur to an amendment to H.R. 6, the Energy bill.

Mr. President, we will continue with other amendments and votes with respect to the farm bill today, so Members can expect other votes.

I would remind all Members that we will likely be in recess from 2 to 3 p.m. because Admiral McConnell and Attorney General Mukasey will conduct a secret briefing in room 407. This is prefatory to the debate that will take place soon on the FISA bill.

We are going to do our very best to finish the farm bill today. We have 23 amendments left on the farm bill. We have a lot to do. We are going to do everything we can do so that we do not have to be in session this weekend. It will take cooperation from Members because there are a number of issues that we have to deal with.

We are going to try to finish the farm bill and the Energy bill today. We have a lot of other things to do today. Hopefully, we can get agreement.

I would also say this to all Senators: We are past the point where you can just have your staff call the cloakroom and say: I have a Senator who objects. If somebody wants to object, we are not going to take cloakroom calls during these last few days of the session. We are not going to accept that.

RESERVATION OF LEADERSHIP TIME

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

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

Harkin (for Dorgan/Grassley) modified amendment No. 3695 (to amendment No. 3500), to strengthen payment limitations and direct the savings to increase funding for certain programs.

Brown amendment No. 3819 (to Amendment No. 3500), to increase funding for critical farm bill programs and improve crop insurance.

Klobuchar amendment No. 3810 (to amendment No. 3500), to improve the adjusted gross income limitation and use the savings to provide additional funding for certain programs and reduce the Federal deficit.

Chambliss (for Cornyn) amendment No. 3687 (to amendment No. 3500), to prevent duplicative payments for agricultural disaster assistance already covered by the Agricultural Disaster Relief Trust Fund.

Chambliss (for Coburn) modified amendment No. 3807 (to amendment No. 3500), to ensure the priority of the farm bill remains farmers by eliminating wasteful Department of Agriculture spending on golf courses, jackets, cheese centers, and aging barns.

Chambliss (for Coburn) amendment No. 3530 (to amendment No. 3500), to limit the distribution to deceased individuals, and estates of those individuals, of certain agricultural payments.

Salazar amendment No. 3616 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to provide incentives for the production of all cellulosic biofuels.

Thune (for McConnell) amendment No. 3821 (to amendment No. 3500), to promote the nutritional health of school children, with an offset.

Craig amendment No. 3640 (to amendment No. 3500), to prohibit the involuntary acquisition of farmland and grazing land by Federal, State, and local governments for parks, open space, or similar purposes.

Thune (for Roberts/Brownback) amendment No. 3549 (to amendment No. 3500), to modify a provision relating to regulations.

Domenici amendment No. 3614 (to amendment No. 3500), to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources.

Thune (for Gregg) amendment No. 3674 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to exclude charges of indebtedness on principal residences from gross income.

Thune (for Gregg) amendment No. 3822 (to amendment No. 3500), to provide nearly \$1,000,000,000 in critical home heating assistance to low-income families and senior citizens for the 2007-2008 winter season, and reduce the Federal deficit by eliminating wasteful farm subsidies.

Thune (for Grassley/Kohl) amendment No. 3823 (to amendment No. 3500), to provide for the review of agricultural mergers and acquisitions by the Department of Justice.

Thune (for Stevens) amendment No. 3569 (to amendment No. 3500), to make commercial fishermen eligible for certain operating loans.

Thune (for Bond) amendment No. 3771 (to amendment No. 3500), to amend title 7, United States Code, to include provisions relating to rulemaking.

Tester amendment No. 3666 (to amendment No. 3500), to modify the provision relating to unlawful practices under the Packers and Stockyards Act.

Schumer amendment No. 3720 (to amendment No. 3500), to improve crop insurance and use resulting savings to increase funding for certain conservation programs.

Sanders amendment No. 3826 (to amendment No. 3822), 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 Agricultural Disaster Relief Trust Fund.

Wyden amendment No. 3736 (to amendment No. 3500), to modify a provision relating to bioenergy crop transition assistance.

Harkin/Kennedy amendment 3830 (to amendment No. 3500), relative to public safety officers.

Harkin/Murkowski amendment No. 3639 (to amendment No. 3500), to improve nutrition standards for foods and beverages sold in schools.

Harkin amendment No. 3844 (to amendment No. 3830), relative to public safety officers.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:15 a.m. shall be equally divided between the leaders or their designees and shall be for debate only.

Mr. REID. Mr. President, I designate 5 minutes to Senator BINGAMAN and 5 minutes to Senator CANTWELL, two Senators who have been instrumental in bringing this bill to where we are today on energy.

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

Mr. BINGAMAN. Mr. President, I thank the majority leader for yielding me 5 minutes to discuss this bill we are going to vote on, the cloture vote we are going to have in relation to the energy legislation a little later this morning.

One of the objections that has been raised to this legislation is that it still contains a so-called energy tax package. It is very different from what the House passed.

Senator BAUCUS has worked with Senator GRASSLEY to take out provisions that were objectionable to Members, particularly on the Republican side, but it is still a tax package.

Now, what does it do? What it does is extends the tax incentives and credits we put into law in 2005. Those are the tax incentives, the tax credit for the production of electricity from wind, biomass from our clean energy sources. It provides the extension of the solar energy investment tax credit. It provides an extension of residential solar credits to encourage people to use solar heating and energy generation in their own residences. It provides an extension of existing credits for biodiesel.

It creates a new credit for producing ethanol made from nonfood cellulosic material. It tries to extend into the future and expand upon the incentives we put into law in 2005 to encourage the