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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 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:

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.

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

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By order of the Joint Committee on Printing.

ROBERT A. BRADY, *Chairman.*

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

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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

has been working with Senator ROCKEFELLER, and they have done what has been good work. There has been very little infighting between them.

The Attorney General of the United States, newly selected, has said he will launch an inquiry. We will see what this inquiry will be. I expect both the Intelligence Committee and the Attorney General of the United States to investigate aggressively the answers to questions regarding this coverup.

But the CIA, the Justice Department, the Bush White House, every American should know that if these investigations encounter resistance or are unable to find the truth, I will not hesitate to add my voice to those calling for a special counsel. For example, this weekend, JOE BIDEN, chairman of the Foreign Relations Committee, called for a special prosecutor. He may be right. I am willing to wait and see what develops before I join in that call.

We must take every step necessary to protect our country's integrity and defend this country's great moral responsibility and authority that we have.

RECOGNITION OF THE MINORITY LEADER

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

MOVING FORWARD

Mr. MCCONNELL. Mr. President, let me say I share the view of the majority leader that there is clearly a way forward on the farm bill. We are now making substantial progress and should be able to complete that bill in the near future.

Also I think there is a way to get a Foreign Intelligence Surveillance Act measure out of the Senate that could be signed by the President.

With regard to the remaining efforts here on the spending issues, it is, indeed, hard to understand the complaints we are hearing from the other side on our supposed lack of compromise on spending. We have sought actually compromises all year in dozens of appropriations committee and subcommittee hearings, which is the normal process. But we are now a quarter of the way into the fiscal year. Responsible people understand the time to get the work done is now. As the majority leader indicated, Christmas is 2 weeks from today. We can keep going back and forth with the House maybe endlessly. But that would only further delay our fundamental responsibility of getting these spending bills signed into law.

So what is the way to do it? The way forward: Let's protect the taxpayers' wallets, fund the troops, and end this otherwise unproductive exercise.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 60 minutes with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I believe we have two speakers on our side in morning business this morning. I would ask unanimous consent that I be allotted 15 minutes of that, and Senator GRAHAM from South Carolina be allotted the second 15 minutes.

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

APPROPRIATIONS

Mr. CORNYN. Mr. President, I come to the floor today to talk about an issue that should be the first priority of this Congress, and that is to fund our troops during a time of war, to make sure they have the funds they need, to have the equipment, to have logistical support and other support they need in order to fight this global war on terrorism.

There have been a lot of rumors circulating around Congress about what the way forward is going to be on the appropriations—I can only call it a mess—that confronts us when only 1 appropriations out of 12 bills has been signed by the President.

Yesterday I heard the reports for the chairman of the House Appropriations Committee, DAVID OBEY, which said he was pulling the proposed omnibus appropriations bill because he was upset with negotiations on that.

He said this—and this is the one part I do agree with—

> I want no linkage whatsoever between domestic [spending] and the war. I want the war to be dealt with totally on its own. We shouldn't be trading off domestic priorities for the war.

I would rephrase that that we should not be doing anything to tie the fate of our troops to wasteful pork projects or excessive Washington spending.

I am glad to see the distinguished majority whip on the floor because I do have a unanimous consent request that I know he will be interested in.

UNANIMOUS-CONSENT REQUEST—S. 2340

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 2340. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill appear at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Reserving the right to object, I ask unanimous consent that the remarks I am about to make not be taken from the time allotted to the Senator from Texas in terms of morning business.

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

Mr. DURBIN. Reserving the right to object—and I will object to this request—let me say at the outset that what the Senator has asked for is to return to a bill which was considered by the Senate on November 16, 2007. There was a failure of a cloture vote, which is a vote requiring 60 Senators to vote affirmatively before the bill goes forward. The final vote was 45 to 53. In fact, three Republican colleagues of the Senator from Texas joined in opposing that cloture vote. This is a Senate appropriations bill. As the Senator from Texas knows, the Constitution requires that spending bills originate in the House. So the House would either object or ignore this bill or blue slip the bill in a way that would mean that whatever we would do here would not achieve the result asked for by the Senator from Texas.

As of today, we have lost 3,888 American lives in Iraq. The amount of money which we have provided, according to the administration, would allow them to continue the war at least to the end of March and perhaps beyond. So the troops are not without the resources they need. What the Senator from Texas has proposed is an approach which is on its face unconstitutional and has been rejected by the Senate on November 16, including three Republican Senators. For that reason, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CORNYN. I differ with the distinguished Senator from Illinois. Obviously, the bill that was voted on earlier contained numerous restrictions and deadlines on deployment of our troops in Iraq. For that reason, cloture was denied. It is not that there wasn't support. Indeed, I would hope there would be unanimous support to make sure our troops get the emergency funding they need in order to continue military operations until such time as Congress can appropriate the remainder of the President's request of $196 billion.

It is important to note that this is emergency bridge funding for the troops. While I don't disagree with the distinguished Senator from Illinois that the military can borrow from Peter to pay Paul and move funds around within their budget to avoid disaster up until about mid-February, the fact is, the White House has now warned that 100,000 civilian jobs depend on this emergency funding.

Here is a story from the Army Times dated December 10, 2007, that says the Department of Defense is sending notices of layoffs this week—2 weeks before Christmas—to 100,000 civilian employees warning them, unless Congress

acts, they are going to be out of a job. This is not the way to show our support for the troops. In fact, this is nonsupport for the troops.

It is important to note what is included in this emergency funding that should be voted on today and decoupled from the debate over the Omnibus appropriations bill or any other continuing resolution. Here are the most notable provisions: One, operation and maintenance funding—this finances a broad range of activities, including combat operations, transportation of personnel and equipment, fuel, equipment maintenance, and general base support for our troops.

It also funds the Iraqi security forces and Afghanistan security forces. If we have any hope of bringing our troops home sooner rather than later, it is because we have succeeded in training the Iraqis to take our place, to provide that security so we can bring our troops home as soon as possible. By not providing the funding, we are delaying that prospect, not advancing it.

The third general category is funding for the Joint Improvised Explosive Device Defeat Organization—the Joint IED Defeat Organization—which is dedicated to finding new ways to neutralize the primary threat to our troops in Iraq, which is improvised explosive devices. We ought to be providing the funding for this Joint IED Defeat Organization so they can save the lives and limbs literally of American troops.

This emergency funding being blocked by Senate Democrats would go to repair, replace, and upgrade military equipment. It also provides for military personnel funding, special pay and benefits, including hazardous duty pay for our troops, as well as the Defense Health Program. Those are the categories of items being blocked by today's objection by the Democratic leadership.

I am disappointed by the decision to block this emergency funding for our troops in Iraq. This is the material support we can provide to show our troops we are behind them, regardless of our differences on the war or how the war is being conducted. We see time and time again how this Congress, egged on by special interest groups such as Moveon.org, has been willing to use our troops as part of their political debate. This is particularly appalling when we are the ones who first asked and voted—by a vote of 77 to 21, I believe, 77 affirmatively—for the use of force in Iraq. We are the ones who voted and have the responsibility for authorizing that use of force. For us now to deny the funding they need to foster a situation where money has to be moved around from accounts just to get by and 100,000 civilian employees are being put on notice that they are going to be out of a job unless Congress quits playing a game is simply unsustainable.

Last January, of course, we unanimously confirmed GEN David Petraeus to lead our forces in Iraq. As we all know, there was serious concern about the way the military operations in Iraq were being conducted, and many, if not all, of us called for a new way forward. We unanimously agreed that General Petraeus was the right man for that job. In fact, I am proud to say that vote to support General Petraeus's nomination and that vote of confidence in the new strategy, the so-called surge of forces in operations in Iraq, proved to be a correct one.

General Petraeus, with his counterinsurgency strategy and with the hard work and dedication of our men and women in the military, has brought us closer to a stable Iraq that many had simply given up and thought not possible. Reports are appearing daily in the newspaper and on the electronic media showing that violent attacks continue to decline in Iraq and communities across that country. Reports show people not only feel safer, they are safer. Refugees who have left Iraq to go to Syria and other places to protect their lives and their families are now returning to Iraq because Iraq is safer. Taxi drivers have resumed their old routes in neighborhoods without regard for whether predominantly Shiite or Sunni, and neighbors and families previously separated by the war are reuniting as refugees are returning by the busload.

My colleagues have had a chance to show their support for the troops. Unfortunately, we see that support sorely lacking. The call of groups such as Moveon.org seems to be so loud and has such command on the other side of the aisle that it drowns out these positive reports about the improved security situation in Iraq. It leads some, unfortunately, to block emergency funding that our troops need in order to carry out continued security operations and training for Iraqis to take our place so we can bring our troops home. Unfortunately, they end up being part of the partisan political games that tend to dominate Washington, DC. My colleagues who continue to insist that Iraq is lost and that the surge has failed or that Iraq is not making political progress are not talking about the Iraq of today.

I have said it before and I will say it again: Betting against the men and women of the U.S. military is always a bet you will lose. When our colleagues on the other side of the aisle said that all is lost even before the surge started, frankly, they have been proven wrong. They lost that bet by betting against the men and women of the U.S. military.

Michael Totten, a reporter embedded in the once volatile region of Fallujah, wrote last week in the New York Daily News:

> There's a gigantic perception lag in America these days. The Iraq of the popular imagination and the Iraq of the real world are not the same country.

Secretary of Defense Gates said on Saturday that:

> Civilian deaths across Iraq are down about 60 percent.
>
> Recently, there was the lowest number of single-day attacks across the nation in three and a half years.
>
> The progress is real. But it is also fragile.

Why in the world, given this progress and given the fragility of the conditions in Iraq, would my colleagues on the other side of the aisle deny the emergency funding that our troops need? What possible rationale could there be for making that part of the political games and dysfunction that seems to dominate the Congress?

We have to make our policy decisions based not on the Iraq many have remembered from the past but the situation on the ground today which is improving, rebounding, and growing. Yet we still hear the doomsayers and those admonishing General Petraeus and his strategy. I am reminded of something a professor once told me when he said speaking louder doesn't make you any more right. We need to listen to the facts and not the loudest voices.

We all have an important question to ask ourselves. It is not about should we have gone into Iraq or why we went into Iraq. Those questions are now relegated to the history books. The fact is, we are there. The question we must ask now is, Given the current situation in Iraq and the Middle East, what is the best course of action for the United States? We should ask ourselves, Will withdrawing troops from Iraq before securing it make us any more or less secure at home? I have no doubt—and history will agree—that the more stable we can make Iraq, the better chance they have of becoming a fully functioning partner in the Middle East, a democracy governed by Iraqis.

A precipitous withdrawal, whether caused by deadlines imposed by Congress or by cutting off funding or by leaving funding in doubt, as our Democratic colleagues have done by objecting to this unanimous consent request today, would be detrimental to the security and stability of Iraq and would endanger American lives at home.

How could that be? The intelligence community tells us that a power vacuum in Iraq left by a rapid American withdrawal would create a failed state and an opportunity for al-Qaida to reassemble and reorganize.

It would create an opportunity for a training ground and an organizing location for al-Qaida and Islamic extremists to launch future terrorist attacks against the United States or our other allies or American forces in the Middle East. Such action would also likely necessitate future American military operations in the region that would put us behind where we are today, not advance where we are today.

I think we can all agree that kind of scenario is completely unacceptable and certainly not in the best interest of the United States. The situation in Iraq, as it stands now, needs a continued military presence with a force large enough to handle potential problems until the Iraqis are able to govern and defend themselves. The more capable the Iraq military and police forces

become, the fewer of our troops are necessary to assist them in that effort. But it does not help them to cause them to question whether we are going to provide the financial support for our troops and for the training of Iraqi military and police forces. But that is exactly what the Senate is doing today by blocking this unanimous consent request.

Many of my colleagues on the other side of the aisle, still now, are left to claim that the lack of Iraqi political reconciliation is the reason they are dissatisfied with the outcome in Iraq, having lost the argument by the improved security arrangements as a result of the surge and the counterinsurgency strategy of General Petraeus.

I have to wonder whether we are holding the Iraqi Government—Mr. President, I ask unanimous consent for 2 more minutes.

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

Mr. CORNYN. Mr. President, by now moving the goalposts, saying first the surge would not work to now having to declare the obvious, that the surge is working and the military situation is better, our colleagues on the other side of the aisle and the naysayers are saying: Well, really the problem is a lack of political reconciliation. But I have to ask whether we—a Congress that has proven itself to be dysfunctional over the last 8 months or 11 months now—whether we are holding the Iraqis to a different standard than we would actually hold ourselves to. We have not exactly been a model for how Congresses should function.

I think it is unfair for us to continue to move the goalposts and say that the significant reconciliation efforts that are occurring in tribal areas, in the provinces, and local areas do not count because clearly they do count, with things like the Anbar awakening and the work being done around Iraq now from the bottom up, as opposed to the top down, which is helping to make for a more secure Iraq, and making sure that Iraqis, rather than Americans, are principally responsible for maintaining security and safety in Iraq, in conjunction with American military troops.

I am discouraged and disappointed that our colleagues have blocked this emergency funding for our troops, putting 100,000 civilian employees of the Department of Defense in doubt during this Christmas season as to whether they are actually going to have a job come February and causing our troops to question our commitment to support them during a time of war. That is not the message this Senate ought to be sending, and I urge my colleagues to reconsider.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, is it my understanding I am recognized for 15 minutes. Is that correct?

The ACTING PRESIDENT pro tempore. Fifteen minutes, without objection.

Mr. GRAHAM. Thank you, Mr. President.

IRAQ

Mr. GRAHAM. Mr. President, to start this discussion about what to do in Iraq, I think we need to sort of take inventory of where we are, what common ground we do have. I do believe there is a vast, wide, and deep support for the men and women in the military by the average Republican and Democrat and Independent citizen and Members of Congress, and that is indeed good news for our country. It is not one of those situations where people came back from Vietnam and were not well received by their fellow citizens. For that, we should all be grateful.

I would like to put this debate in a little different context. As my colleague from Texas said, whether we should have gone into Iraq is sort of a matter for historical discussion. The question for us as a nation is winning and losing, and can you put Iraq in terms of winning and losing? I think you have to because our enemy has. Our enemy, al-Qaida and other extremists groups, looks at Iraq very much as a battlefront and a battle they want to win and us to lose. That is why bin Laden has rallied the jihadist and al-Qaida sympathizers to go to Iraq and go to the Land of the Two Rivers and drive the infidel out, because I think they understand pretty clearly that if Iraq can reconcile itself, become a stable, functioning democracy, with an Iraqi spin to it, where a woman can have a say about her children, where the rule of law would reign over the rule of the gun, and be a place that would absorb religious tolerance, it would be a nightmare for their agenda. So our enemy is very certain in their own mind about what would happen if we won in Iraq.

Again, winning to me would be a stable, functioning democracy, tolerant of religious differences, where all groups would have a political say, where a woman would have a meaningful role in society regarding her children and their future. And it would contain Iran. It would be a buffer to Iranian ambitions. It would deny extremist groups, such as al-Qaida, safe haven. That, to me, is winning, and that, to me, is very possible. The reason I say it is very possible is because it is in the best interests of the Iraqi people themselves to achieve that goal. There is a Shia majority in Iraq, but they are Iraqi Shia. They are Arabs. The Persian Shia majority—there has been a war between these two countries in the past decades and a lot of animosity. So the general feeling on the streets that I have found from many visits to Iraq is that, generally speaking, the Iraqi population does not want to be dominated by anybody, including Iran.

Now, the biggest news of the surge that is not being reported enough, in my opinion, is that given a choice and an opportunity, a Muslim population, the Iraqi Sunni Arabs, rejected the al-Qaida agenda in Anbar. The al-Qaida movement in Iraq was formulated and inspired by outside forces. Leaders from al-Qaida internationally came into Iraq to rally people to the al-Qaida cause. They played a very heavy hand in Anbar, which was brutal—from the small things such as banning smoking to burning children in front of their parents who did not cooperate. They imposed a way of living on the Iraqis in Anbar Province for which the Anbar Iraqi Sunni Arabs said: No, we don't want any more of this. And the sheiks and all the tribes came to our side because al-Qaida overplayed their hand. So the real good news for me is that given an opportunity and being reinforced, the al-Qaida agenda will not sell, and people within the region will turn it down and reject it. That would not have happened without the surge.

I think most of us do not appreciate what life is like in a country where if you raise your hand to be a judge, let's say, not only do you become personally at risk, they try to kill your family—the forces that do not want to reconcile Iraq.

Political debates and discourse in this country can be very contentious, but on occasion we find that middle ground to solve our problems. It is hard and difficult to compromise in an environment where the people who want you to fail literally will kill your family. So the lack of security in the past has been our biggest impediment to reconciliation. Thank God for General Petraeus, General Odinero, and all under their command. You have done a wonderful job.

This we should all agree upon: that the surge, as a military operation, has been enormously successful and I think will be the gold standard in military history for counterinsurgency operations. Instead of bleeding it dry of funds and putting it at risk, we should reinforce it politically, monetarily, and in every other way.

A political leader can reinforce a military leader. Our military, because of our system of government, depends on us, those of us in elected office, to give them the resources to execute the mission they have been assigned. Who among us believes we understand Iraq better than General Petraeus militarily? Who among us advocated the surge as proposed by General Petraeus? Who among us understands counterinsurgency operations better than the general and his staff? None of us, if we would be honest with ourselves. He is the expert in this area. He has been given an ability to engage in military operations with a completely new theory, and it is working—undeniably working.

Security in Iraq is better. Anbar has literally been liberated. If you told me a year ago, this time last year, we would be moving marines out of Anbar because the security environment

would justify it, I would have thought: That is optimism beyond what I can muster. But it has happened. And all throughout this country called Iraq, people are beginning to reconcile themselves because of better security. Quite frankly, they are war weary.

But I am not going to reinvent history. The blame is across the board and across the aisle. How many times did Republicans go to Iraq after the fall of Baghdad, for maybe 3 years, and say: It is really going well, it is just the media's fault. It was not going well, and it was not the media's fault. The strategy was failing. So people on my side of the aisle were cheerleading for a strategy that, if we followed it, we would have been hopelessly lost in Iraq. So there is plenty of blame to go around. Finally, we now have adjusted. We have a new general with a new strategy. It is a lot more complicated than just 30,000 new troops. We are deploying them differently. We are going after the insurgency in a different way.

The biggest nightmare for al-Qaida has been the surge. If you ask to pick winners and losers of the surge, it would be extremist groups. At the top of the list would be al-Qaida, and it is soon going to be the Shia militia aligned with Iran. There is an offensive about to take place in Iraq that is going to put the nail in the coffin of extremist groups. They are not defeated yet, but they are greatly diminished.

Now is not the time, colleagues, for us to put this surge in jeopardy. Our troops are in a political crossfire here at home. They are not in the middle of a heated sectarian war. Security does exist in Iraq now to get business done. There are extremist groups, and it is still dangerous, but the military has done its part to allow the Iraqi people to reconcile themselves.

We have not done our part. We are still fighting a battle as if nothing new has happened. We are still holding on to positions stated in April and May as if nothing has changed, and that is not fair to those who sacrificed to make it change. I took this floor for a very long time with Senator MCCAIN and a handful of others arguing that the Department of Defense had a strategy doomed to fail. Thank God the President changed course. Thank God for General Petraeus and all under his command.

Now, to my colleagues on the other side, please let us allow General Petraeus to finish the job he started. Within a few months, the troops begin to come home based on the surge being successful. They will return with victory at hand. Victory is not yet achieved, but it is possible. The only way to roll back the security gains is to change the mission and have the Congress start running the war.

The political crossfire I speak of is that some people want to give the money to support the surge only if they get $11 billion of domestic spending unrelated to the military. Some people will not give any money for the surge, continued operations in Iraq, unless we change the mission and withdraw troops by the end of the next year. That is a crossfire politically that is doing more harm than good that should end.

Beginning in March, General Petraeus will come back. He will tell us the situation as it exists on the ground. I am here to tell you, in December, that I am disappointed in the progress at the central government level in Baghdad. They have passed a budget in Iraq—$48 billion. All revenue being shared among all groups is a great step forward, but it is not a permanent solution to the problem.

We need a permanent law, a national law, that will tell every group in Iraq: As to the wealth of the country, part of it will come to your area, and you do not have to worry about it budget by budget. Political reconciliation in Iraq has to happen for the surge to be successful. I have said on numerous occasions that if there is not some major breakthrough on the benchmarks by January, I will look at reconfiguring the aid we give to the Iraqi Government, not changing the troop missions or the troop numbers. I am going to leave that up to the military. It is in our national security interest to maintain the gains we have achieved on the ground to keep Iraq from going into chaos. But we are giving this Government hundreds of millions of dollars of aid, and if they cannot reconcile themselves, we may find other places to spend that money and other ways to spend that money.

So I urge my colleagues to allow the troop funding that is required to complete the surge, to allow it to go forward. Stop this political crossfire of trying to extract from this necessary funding event more money to spend domestically here at home or trying to take the mission away from the military commanders. That is not where our troops need to find themselves in this crucial moment in time.

I can promise you, as we go into next year, if the central government in Baghdad has not done a better job reconciling themselves, I will sit down with anyone, Republicans and Democrats alike, to find a way to put political pressure, economic pressure, on this government.

With that, I yield the floor.

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

CONSUMER PRODUCT SAFETY COMMISSION

Mr. PRYOR. Mr. President, I want to acknowledge my colleagues who have been helping on S. 2045. These are in alphabetical order, not in the order of work done. Everybody has worked a lot on different parts of this bill. They are Senators BROWN, CASEY, DURBIN, HARKIN, INOUYE, KLOBUCHAR, MENENDEZ, BILL NELSON, and SCHUMER. They have all helped craft this legislation relating to the Consumer Product Safety Commission.

Because we are now in the holiday season, naturally, public attention is focused on consumer product safety. I had come today prepared to ask unanimous consent to try to move to this legislation. However, last week, Thursday, I met with Al Hubbard at the White House in a very constructive meeting to talk about some of the areas of disagreement on the legislation, as it came out of the Senate Commerce Committee. It was a very constructive meeting, very frankly. I hope, in the end, we will consider that a very productive meeting. We don't know yet if there is a meeting of the minds, but I am cautiously optimistic that the White House is starting to engage in this very important issue to this country and to the families of America.

Let's talk for a moment about the Consumer Product Safety Commission. For a lot of people, the CPSC is just one of these ''alphabet soup'' agencies, and they don't know what the CPSC does. But I will tell you, it touches every American's life every day. It is in the small things that we use, such as batteries, coffeemakers, lawnmowers, toys, and baby cribs.

The Consumer Product Safety Commission is there to make sure these products are safe for people in my State of Arkansas to buy and for people all over this country to buy and use. One of the things the Consumer Product Safety Commission should do is give people in this country—including parents, when it comes to toys—peace of mind to know the toys they purchase and other products they purchase meet American safety standards.

This bill we are talking about today, S. 2045, was called recently by the Wall Street Journal ''the most significant consumer safety legislation in a generation.'' I think that accurately sums up the nature of our legislation. It is consumer safety reform legislation. It is very significant, very comprehensive.

Our efforts in reforming the CPSC predate a lot of the recalls we heard about this summer. We have been working on this all year in the subcommittee. Basically, the CPSC now looks after 15,000 separate consumer products. Every year, there are about, roughly, 27,000 deaths in this country caused by consumer products that are faulty. There are 33.1 million people injured every year through consumer products that the CPSC regulates. So this is an agency that is a public safety agency, a good Government agency.

Unfortunately, the CSPC is completely overwhelmed today. I believe the Senate, the House, and the President should all work together to reauthorize this agency and put it back together again.

Let me give some examples from this year alone. This year there have been 37 million products recalled. Some people may say: Gosh, it is working because all these products have been recalled. First, a lot of those products should never have been imported in the

first place. A lot of them were recalled by the manufacturers, not the Government. In any event, we have seen stories about lead-coated Big Bird, Elmo, and Barbie accessories, and we have seen collapsing cribs and kerosene-filled toy eyeballs. We have seen building toys with small, very powerful, magnets that, when kids ingest them, cause problems. We have seen craft toys that contain the date rape drug. That is unbelievable, but we have seen in this country a craft set, or a craft toy, that contains the date rape drug. These products should never be in the marketplace to begin with.

Let me talk about the status quo for a moment. The status quo today, with this flood of imports coming into this country, is completely unacceptable. We should not stand idly by and allow these products to saturate our markets. There have been stories in the last few days about charities and charitable giving. One of the great organizations during this time of year is the U.S. Marine Corps. They do the Toys for Tots Program. They have been doing it for many years. Even when I was a kid, it was a big deal because there were always kids in the community less fortunate than I was. We would gather our toys around our house and take them down to a drop station, wherever it may be, and the Marines would sort them out and deliver them to kids who needed toys on Christmas morning or during the holiday season.

One of my staff members, Jason Smedley, is a marine. Yesterday, he went to DC to volunteer on the Marine Corps Toys for Tots, the big disbursing office. Unfortunately, what he found was that the donations to Toys for Tots are way down this year because parents and other donors don't have confidence in the toys they are giving because there might be something wrong with them.

Also, you find, as Jason told me, at the Toys for Tots location in Washington, DC, they have three-ring binders with all kinds of toy recall information in them. Every toy that comes in, they go through that book to make sure that toy hasn't been recalled. Does that sound efficient to anyone? No. That means the CPSC has not been able to do its job and protect our marketplace from these dangerous toys.

There was another story in our local paper, the Arkansas Democratic Gazette, yesterday where toy recalls have hurt instate charities, the locally based charities. You see the same story there, where donations are down. It has been a very hard season for those people who are in that toy distribution operation during the holiday season.

There is a great leader in Arkansas, Hezekiah Steward. He is a reverend, and he runs something called the Watershed Human Development Center. People in our State call it the Watershed Project. He tries to meet the needs of the most needy in the Little Rock area. He does a great job. When I was Attorney General, we had a program and we tried to donate as many toys as we could to Watershed and also to Toys for Tots. We tried to help the Watershed because they are touching people in the community that a lot of times fall through the cracks. Again, Hezekiah Steward is in that article yesterday in the Arkansas Democratic Gazette, saying the donations were down and they are having to screen the toys. It is basically a big mess.

In addition to that, I have talked to parents and grandparents in Arkansas, and they are telling me the same thing. They are saying: This holiday season, when we want to buy toys, we don't know what to trust anymore. If it says ''made in China,'' we don't buy it. That is not a good screening process. Hopefully, most of the toys in the marketplace are safe today, but the public has lost confidence in the system we have now, and we in the Senate, in the U.S. House, and also in the White House need to do a much better job of giving the Consumer Product Safety Commission the tools it needs.

Let me talk a little bit about the Consumer Product Safety Commission and help lay out the problem. Here on this chart we see something that is very revealing. We see on the top chart the imports coming into this country. What we see on the bottom chart is the Consumer Product Safety Commission's staffing level year by year. One thing you will notice—this is very clear, and the numbers are unmistakable—is that starting in 1974, you see the general trend; it goes up and down a little bit, but the general trend is for imports to increase coming into this country. We all know that. Everybody in this body knows we have seen imports increase dramatically in the United States in the last few years. This is borne out on the chart.

Unfortunately, as the imports are going up, the staff at the CPSC is going down. You can see these numbers. Again, they are unmistakable. This is an agency in distress. If you look at what it was at its high versus what it is today, the numbers are unmistakable. The problem with the numbers is, when you see the low numbers like this on the staffing level, when you understand the situation their lab is in, where it is dilapidated and antiquated, and they are losing many people through attrition, you understand all the problems the agency has and that it is totally overwhelmed. When you look at this number, which is at an all-time low, and imports are at an all-time high, you know we have a problem.

In this body, we need to address that problem. There is no better time to address it than right now. Let me talk for a moment about what I think we need at the CPSC. We need a robust and proactive watchdog agency. We need to prevent toxic toys from ever landing on our shores and on our shelves. We need to be able to respond very quickly when there is a problem. We need to have a system in place where we can punish the bad actors and punish the repeat offenders.

Again, I have been talking to the White House, and I want to be cautiously optimistic about what the White House told me on the phone and in meetings, but we all need to work together to try to get this done.

Let me run through some of the things that S. 2045 does. Basically, what we are doing is taking this agency that needs an overhaul, and we are overhauling it. What we are trying to do is increase the staff by nearly 20 percent over time. We are trying to upgrade their testing labs. We are trying to increase their agents at ports of entry, again, so the dangerous products never enter this country. We are trying to allow the States' attorneys general to be more like cops on the beat and help the CPSC enforce the laws in all 50 States, not just in one centralized location at the CPSC itself. We want to increase the civil fines and the criminal penalties. Also, as part of this, we want to do our dead level best to streamline the recall process. It takes too long, it is too secretive, and there are many examples of people dying as discussions are going on between the manufacturers and the CPSC on how a recall will be conducted. This is very important.

This bill bans lead in children's products. I think that is very important for the American public to understand. Right now, there is not a ban on lead in children's products. We know it is dangerous, and that is well documented. Our doctors, medical researchers, and scientists have told us that. So we need to ban lead in children's products.

This bill also allows the CPSC to select recall remedies. It doesn't leave it up to the manufacture or the bad actors. Not all manufacturers or retailers are bad. In fact, the supermajority of them are not. They are trying to do what is right.

At the end of the day, the CPSC needs to make decisions that are in the public interest—not some of these manufacturers and retailers and distributors, et cetera, and what is in their own corporate interests. We need a watchdog agency that will be there to protect the public interest.

This bill increases public disclosure. That is important because most parents have heard something on the news or read a little something in the paper, but they really don't have an easy way to know what is being recalled or exactly when it gets recalled. We want more public disclosure, and we want it to happen quicker.

Also, regarding children's products, we want a third party process, where a third party will certify that those products meet U.S. safety standards. We have that in a lot of other areas, such as electronics.

There are a lot of third-party certification processes that exist in the marketplace. We need that for children's products.

The last two or three things the bill does is it improves the tracking labels

on children's products. When we get a toy, and they say there is a recall, say, on a certain kind of doll, there may be 10 varieties of that doll. We may have bought a doll made a year ago and it has been in a warehouse. We don't know. We want a better labeling and tracking system.

We want to provide whistleblower protections. If there are people out there who know there is wrongdoing and somebody is covering it up—we see this in other contexts—we want to allow that whistleblower to come forward and not be punished for doing what is right.

The last point I wish to mention is the bill prohibits the sale of recalled products. Again, a lot of people in this country may be shocked to know that in many circumstances—not all—but in many circumstances, we see recalled products still for sale on the open market. Parents would be shocked to know that fact, but it is true.

We are trying to do our best, give our best effort to have a serious and fundamental reform of the Consumer Product Safety Commission.

One more point in closing, and that is, there are two major goals we are trying to accomplish with this legislation. First, we are trying to rebuild the agency. That is very important for the functioning of that agency. As I said before, it is overwhelmed. I showed some charts. There are many others I can point out to show how overwhelmed this agency is. First and foremost, we want to rebuild the agency. And second—and this point flows from the first point—we want to restore public confidence in the marketplace. We don't want to be at the next holiday season and moms and dads are coming up to me in Arkansas and coming up to my colleagues all over the country saying: Should I buy toys for my children and grandchildren this year? That is what I hear when I go back home.

People are concerned, they are scared, they are uncertain about the American marketplace, and that is too bad. We do not need that to happen. We need our people to have confidence in the marketplace in this country.

I ask my colleagues on both sides of the aisle and in the House as well and in the White House, I ask everyone to give this legislation a serious look. We would like to move it forward this month, before the end of this year, during this holiday season. I know there are some folks who expressed interest in trying to help get that done. I am available any day, any night. My staff is available. We definitely want to work with whomever is willing to work to get the Consumer Product Safety Commission reauthorization done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: What is before the Senate at this moment?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further morning business, morning business is closed.

Mr. HARKIN. Morning business is closed and the Senate is back on the farm bill?

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. 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) 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 Lugar) amendment No. 3711 (to amendment No. 3500), relative to traditional payments and loans.

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) 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 casinos, golf courses, junkets, 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.

Chambliss (for Coburn) amendment No. 3632 (to amendment No. 3500), to modify a provision relating to the Environmental Quality Incentive Program.

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 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. 3673 (to amendment No. 3500), to improve women's access to health care services in rural areas and provide improved medical care by reducing the excessive burden the liability system places on the delivery of obstetrical and gynecological services.

Thune (for Gregg) amendment No. 3671 (to amendment No. 3500), to strike the section requiring the establishment of a Farm and Ranch Stress Assistance Network.

Thune (for Gregg) amendment No. 3672 (to amendment No. 3500), to strike a provision relating to market loss assistance for asparagus producers.

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 Sessions) amendment No. 3596 (to amendment No. 3500), to amend the Internal Revenue Code of 1986 to establish a pilot program under which agricultural producers may establish and contribute to tax-exempt farm savings accounts in lieu of obtaining federally subsidized crop insurance or non-insured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year.

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

Thune (for Alexander) amendment No. 3551 (to amendment No. 3500), to increase funding for the Initiative for Future Agriculture and Food Systems, with an offset.

Thune (for Alexander) amendment No. 3553 (to amendment No. 3500), to limit the tax credit for small wind energy property expenditures to property placed in service in connection with a farm or rural small business.

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

Salazar (for Durbin) amendment No. 3539 (to amendment No. 3500), to provide a termination date for the conduct of certain inspections and the issuance of certain regulations.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, as Senators are well aware, we are now back on the farm bill. I again thank both leaders, Senator REID and Senator MCCONNELL, for last week working together to reach an agreement whereby we will have 20 amendments, a maximum of 20 amendments. We don't have to have 20 amendments but a maximum of 20 amendments on each side. We now have a list, and we do have the amendments in order on the Republican side. There are 20 listed. I hope that maybe not all of them will require a vote. Maybe we can work some of those out so we will not require votes or much time on any of those amendments. Senator CHAMBLISS and I are working together to try to get some hard-and-fast

time agreements on these amendments so we can move ahead expeditiously.

Right now we have seven amendments listed on the Democratic side, and I hope that might be the limit of those amendments. Republicans have about 20, and we have about 7 amendments that I know of right now.

Also, we know yesterday the Senate entered into a unanimous consent agreement that beginning at 11 a.m., the Senate will begin 3 hours of debate on the Lugar-Lautenberg amendment No. 3711 and the time is to be equally divided, so an hour and a half on each side. Of course, we will break at 12:30 p.m. for our respective weekly party conferences. We will resume at 2:15 p.m. and will resume debate on amendment No. 3711, the Lugar-Lautenberg amendment, and that when all time is used or yielded back, we will vote on or in relation to that amendment.

Senators should be aware the first vote that will occur on an amendment to the farm bill will be on the Lugar-Lautenberg amendment at some point this afternoon, and then hopefully we will move ahead after that on other amendments. I don't know exactly what the next amendment will be. We will work that out.

Hopefully, we can work out some more votes today. I don't know how late the leader wants to keep us in tonight. I am prepared to stay here very late tonight—very late tonight—to move these amendments forward. We are reaching a point where I know everyone wants to get out of here for the holiday season, for Christmas and New Year. We are approaching the end of Hanukkah. I know people would like to leave and get together with their families. I think if we put in a couple long days, we can reach pretty good agreements on these amendments to the farm bill.

I hope we will have a long day today and get some amendments offered and debated and disposed of, one way or another. I wished to lay that out. I see my colleague and good friend, the former chairman of the Agriculture Committee, Senator LUGAR, is on the floor.

So I will at this time yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

AMENDMENT NO. 3711

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

The PRESIDING OFFICER. The Senator's amendment No. 3711 is pending under a 3-hour time limit.

Mr. LUGAR. Mr. President, is it appropriate to commence the debate?

The PRESIDING OFFICER. Yes, it is.

Mr. LUGAR. I thank the Chair, and I thank the distinguished chairman of the committee.

Mr. President, let me start by thanking Senator TOM HARKIN, the distinguished chairman of our committee, and the ranking Republican leader, SAXBY CHAMBLISS, for their leadership. It is not an easy task to be chairman or ranking Member of the Senate Agriculture Committee during the farm bill. Having served in both capacities, I know well of the challenges that both have faced in putting together a bill.

Let me point out, as I have during the debate in committee, some achievements have occurred. Both the chairman and ranking member have outlined a number of these in the areas of conservation, rural development, research, nutrition, and energy.

I am also pleased by the effort to provide interested farmers with the revenue-based program which should be an improvement over the status quo.

However, the farm bill before us does not provide meaningful reform. Our current farm policies, sold to the American public as a safety net, actually hurt the family farmer. In the name of maintaining the family farm and preserving rural communities, today's farm programs have benefited a select few, while leaving the majority of farmers without support or a safety net.

Let me review the history of these farm bills.

The genesis of our current farm policy began during the Great Depression as an effort to help alleviate poverty among farmers and rural communities. At that time, one in four Americans lived on a farm and the rural economy's vitality was largely dependent upon farmers. Farm programs were instituted that stifled agricultural productivity in order to raise commodity prices through a federally administered supply-and-demand program. Supply-control programs cost U.S. taxpayers handsomely in higher food costs and job loss, and now about half of the Nation's farmers are essentially prevented from growing other crops, such as fruits and vegetables.

To date, this same antiquated idea is promoted even though farm income is higher on average than other industries. Times have changed dramatically since then. Today, 1 in 75 Americans lives on a farm, and only 1 in 750 lives on a full-time commercial farm. Furthermore, nearly 90 percent of total farm household income comes from off-farm sources—90 percent.

In response to these ongoing changes, in 1996, Congress finally recognized farmers, not the Government, could best ascertain what crops are profitable and granted roughly half our farmers flexibility in planting choices, the so-called Freedom to Farm bill, and began to transition away from federally controlled agriculture programs.

But in 2002, Congress and the Bush administration reversed these reforms and created the so-called three-legged stool which, in addition to other farm programs, has helped to place us in violation of our WTO commitments.

The Senate Agriculture Committee farm bill before us today perpetuates and even expands these defective policies without regard for the fact that the majority of farmers do not have a safety net.

The first leg of this so-called three-legged stool is direct payment subsidies to specific farmers who grow certain crops. Direct payments are fixed annual taxpayer-funded subsidies that are based on a farm's historic production and a federally set payment rate. For the five major subsidized crops, the average payment rate is roughly $15 per acre for wheat, $24 per acre for corn, $33 per acre for cotton, $11 per acre for soybeans, and $94 per acre for rice.

These subsidies were originally called transition payments. They were meant to be a temporary bridge from supply management-based subsidies to free market-based agriculture. They were never intended to be a continuing entitlement.

Direct payment policies are particularly irresponsible because the taxpayer-funded subsidies go out to farmers regardless of whether cash is flowing in or out of their farms or whether they farm at all.

Although many subsidized farmers are projected to receive record crop prices and earn record farm incomes over the next 5 years, the Senate farm bill, as agreed to by the Senate Agriculture Committee, doles out up to $26 billion in direct payments from taxpayers, much of which will go to some of the largest and wealthiest farming operations in America. In fact, over 50 percent of these subsidies will continue to go to farmers in seven States, for a grand total of $13.1 billion.

Some may find these statistics surprising, but this is simply a continuation of ''business as usual'' when it comes to farm subsidies. Keep in mind, in the years 2000 to 2005, the farm sector received $112 billion in taxpayer subsidies, but only 43 percent of all farms received payments. This is because the majority of the payments go to just five row crops—corn, soybeans, wheat, cotton, and rice. The largest 8 percent of these farms receives 58 percent of these payments. In fact, the top 1 percent of the highest earning farmers claimed 17 percent of the crop subsidy benefits between 2003 and 2005.

Smaller farms that qualify in the current system and that could benefit from additional support did not do as well. Two-thirds of recipient farms received less than $10,000, accounting for only 7 percent of their gross cash farm income. Minority farmers fared even worse, with only 8 percent of minority farmers even receiving Federal farm subsidies. Furthermore, half of the Federal crop subsidies paid between 2003 and 2005 went to only 19 congressional districts out of 435.

Each one of these statistics illustrates that our direct payment system is inequitable and in conflict with claims we hear on the Senate floor that our current farm policies are a safety net for the family farmer.

The second leg of the stool is ''countercyclical payments,'' or having the taxpayer pay farmers when prices fall below a congressionally set price. The third leg is a marketing loan program that allows farmers to put their crops

up as collateral to receive operating capital. However, provisions allow farmers to go ahead and sell the crop and repay the Government at a lower rate, leaving taxpayers to make up the difference.

Because these two programs do not appropriately correspond with market forces, they have the effect of creating artificial markets for crops, even when markets do not exist. Yet neither program provides any help to farmers when they arguably need it most—during disasters, such as drought. Of greater concern, these programs have been ruled to violate our trade agreements. But this new farm bill actually increases target prices for at least five crops, loan rates for seven crops, and adds a number of new subsidized crops.

Now, some Senators may wonder why we should be concerned that we are in violation of our World Trade Organization—or WTO—commitments. They might think this situation is simply limited to agriculture, or specific crops, with little impact on our overall economy. Others might even suggest we are better off building more barriers to trade; that this farm bill is about American farmers and not farmers in Brazil or elsewhere. However, if Senators look further down the line, they will see that our WTO violations could cost the United States billions in revenue, intellectual property, and lost trade opportunities. And failure to move toward compliance will invite retaliatory tariffs that legally can be redirected at any U.S. industry.

In fact, as is happening now, Brazil will soon have the authority to retaliate in kind against United States products, whether they be agricultural products or intellectual property, due to our unwillingness to fix our farm policies. It is unclear if Brazil will follow through with these threats, but what is clear is that the WTO has repeatedly found the United States cotton program to be in violation of our commitments. As a result, a host of challenges to other agricultural commodities has ensued, including a case brought forth by Brazil and Canada in November that targets all of our commodity programs.

Upon the initial findings of the WTO, Congress did repeal some cotton-related programs found to violate these agreements, namely, the so-called Step 2 Program, which was a program that used taxpayer money to pay companies to use U.S. cotton. However, the farm bill we are currently considering makes virtually no attempt to bring the rest of the cotton program into compliance.

The administration earlier this year put forth a number of policy changes that they argued would have fixed our trade problems with the WTO, including a revenue-based countercyclical program, marketing loans that respond to market prices, and eliminating planting restrictions for fruits and vegetables. None of these proposals were incorporated into either the House bill or the Senate farm bill before us today. In fact, this farm bill significantly increases the likelihood that other programs will be further challenged by the World Trade Organization.

Specifically, the WTO found that countercyclical payments and marketing loans are trade distorting, and the direct payments argued to be trade neutral are a trade violation as long as planting restrictions are retained. Astonishingly, the farm bill increases payments made under these trade-distorting programs almost across the board, further exacerbating our trade situation.

In the midst of all of this, the chief economist for the Department of Agriculture projects that exports of agricultural products for this year are likely to reach $79 billion, nearly 30 percent of all farm cash receipts in 2007. Nearly 40 percent of soybeans, half of our wheat, and over 90 percent of our cotton produced in the United States this year will be exported.

Clearly, trade and our trading partners are important to American farmers now and will continue to be in the future. U.S. action to comply with WTO rulings against cotton subsidies as well as U.S. policy regarding subsidies in general will be closely monitored by the world's exporters. Should the WTO determine that other United States farm subsidy programs, as challenged by Brazil and Canada, do not comply with WTO rules, the potential for retaliation by other countries is immeasurable.

The farm bill before us today establishes a new permanent disaster trust fund at the Department of the Treasury to provide an additional $5 billion in spending for commodity crop farmers. Our amendment does not touch this provision nor any of the other provisions related to the Finance Committee package. Of this $5 billion, it is estimated that nearly half of the money will be given to farmers in counties designated as disaster counties by the President and the other half will go to crop insurance companies as a subsidy to administer higher levels of crop insurance coverage.

The idea of a permanent disaster program may have merit, especially when you consider that Congress has passed legislation to fund ad hoc disaster payment assistance nearly every year for the last 20 years, but we should ask ourselves, if the current expensive farm bill is failing to provide a safety net to farmers when these devastating events do happen, then what is the purpose of the farm bill? Why do we need a new program administered by a separate Federal agency to fulfill what most Americans believe is the core purpose of the legislation before us? We should fix the root problem, namely that the current subsidy system does not work and wastes taxpayer dollars.

If you are now a farmland owner in America, it is highly probable your land will increase in value. Why? Because a land-owning farmer or agricultural business can count upon receiving substantially more money through subsidies. As a result, you are able to leverage your land and crops to expand. If you are one of hundreds of thousands of farmers in this country who rents land as opposed to owning land, you face a very tough set of circumstances. Your rents are likely to go up each year as the value of the land goes up. Worse still, if you are a young farmer who hopes someday to own land, then your prospects diminish year by year.

As a result, there are young members of farm families who are hopeful that with the reduction or repeal of Federal estate taxes that they might inherit the land. Other young people who are interested in farming are simply out of luck, as it is too difficult to get into the business. As a result, it is predictable that the average age of farmers in this country will continue to increase, as it has been increasing in recent decades. Consider the fact that 6 percent of farmers are younger than 35, while 26 percent are over 65 years of age.

Furthermore, elderly farmers who may be land rich but cash poor will be more inclined to sell their farms as their retirement nest egg. The most likely buyer of that farm is an owner of a larger farm who is in a position to expand, thanks to Government subsidies.

In spite of all the rhetoric and all of the attempts to talk about perpetuating the small family farm or even the medium-sized farm, the facts are that consolidation is increasing, and this bill will perpetuate that cycle. I want to emphasize this point because it reflects the inequity of this entire bill. Our farm policies transfer a great deal of money from ordinary taxpayers to a few farmers. If this transfer from the many to the few produced a stable farm economy, with prospects for greater trade success, perhaps one could argue this approach is more justified. Further, these policies could be justified if they truly did support the lower to middle-class farmer and reduce the number of farm consolidations. I am arguing that our policies promote the exact opposite.

For all of these reasons, Senator FRANK LAUTENBERG and I, along with Senators HATCH, REED, MENENDEZ, CARDIN, COLLINS, DOMENICI, MCCAIN, and WHITEHOUSE are introducing an amendment today that would provide a true safety net for all farmers regardless of what they grow or where they live. For the first time, each farmer would receive, at no cost, either expanded county-based crop insurance policies that would cover 85 percent of expected crop revenue, or 80 percent of a farm's 5-year average adjusted gross revenue.

These subsidized insurance tools already exist, but our reforms would make them more effective and universally used while controlling administrative costs. Farmers would be able to purchase insurance to cover the remainder of their revenue and yields.

The 85 percent county level-based policy simply looks at the expected revenue annually in each county in the United States for crops such as corn, soybeans, wheat, cotton, and rice, but it can be expanded under this bill to any commodity so long as adequate market information is available to satisfy actuarial concerns.

The USDA uses prices from the futures market in late February and multiplies them by past county average crop yields collected by the National Agricultural Statistics Service, which keeps detailed data on virtually every agricultural product produced in the United States. This creates a target price that adjusts either up or down each year to market conditions and yield trends. Farmers receive a safety net payment when the actual county revenue for a crop they are growing falls below 85 percent of the target revenue.

This program ensures that the only incentive to grow a crop is the market, not federally set prices under the farm policies before the Senate today.

For example, in Marion County, IN, where my farm is located, expected yields for corn in 2006 were 146 bushels an acre; the future price for corn in late February 2006 was $2.59 a bushel. So target revenue for corn was $378 an acre. After the harvest, USDA found that actual corn yields in Marion County were 140 bushels an acre and that harvest prices were $3.03 a bushel, producing average revenue of $424 an acre. Actual revenue exceeded target revenue so that no additional subsidies were paid to corn farmers in Marion County in 2006.

By contrast, corn farmers in Baca County, CO, experienced poor weather. Expected yields were 161 bushels an acre and the future price for corn was $2.59 a bushel, so expected revenue was $418 an acre. After the harvest, USDA found that actual yields were much lower at 116 bushels an acre and even though the harvest prices of $3.03 a bushel were higher than expected, the actual average revenue was $350 an acre. Since actual revenue was 83 percent of target revenue, corn farmers in Baca County would have received $5.30 per acre under the safety net, or the difference between actual revenue in that county and the 85 percent guarantee.

The other choice would allow farmers to protect against adverse change in their own historic average revenues. This program looks at the whole farm, recognizing the same risks exist for an apple orchard as the soybean field on the same farm. A farm's 5-year average adjusted revenue is calculated using annual tax forms. The adjusted revenue is essentially a farm's overall revenue minus expenses as indicated on their tax forms. When a farm's adjusted revenue falls below 80 percent of that 5-year average, a safety-net payment makes up the difference. This program is currently operating as a pilot program in a number of States but has been limited to the amount of revenue that can be covered for some agricultural products such as livestock and forest products. Our bill expands the program nationwide and allows the USDA to include more agricultural products. It also requires the USDA to minimize double payments under situations where farmers may also have products covered by remaining farm support programs, namely the sugar program and the Milk Income Loss Program.

In addition, this bill creates optional risk management accounts that would be available to every farmer and rancher and would work in concert with crop and revenue insurance. Producers who are eligible for direct payments would receive transition payments, phased out over the next 5 years, which would be deposited into their accounts. They would then be eligible to withdraw from their available balance to supplement their income in years when their gross revenue falls below 95 percent of their rolling 5-year average gross revenue. They could invest in a rural enterprise, purchase additional revenue or crop insurance, or upon retirement, utilize it as a farmer retirement account. These accounts provide farmers who are generally asset rich and cash poor greater incentive to save for the future, and will help maintain family farms by providing retirement benefits without forcing a liquidation of farm assets.

The FRESH Act amendment is important because savings from these reforms will allow us to provide an additional $6.1 billion more than the underlying bill in new investments to assist farmers with conservation practices, encourage rural development, develop renewable energy, expand access to healthy foods for children and consumers, and assist more hungry Americans.

Our amendment provides an additional $1 billion for important environmental and conservation programs. I am pleased that we were able to expand and improve USDA's voluntary conservation incentives programs, which provide financial and technical assistance to farmers, ranchers and forest landowners who offer to take steps to prevent soil erosion and improve water quality, air quality and wildlife habitat.

Since 2003, roughly two-thirds of farmers seeking assistance through USDA conservation programs have been rejected due to insufficient funding. Most of these conservation programs are cost-share programs. That means that farmers are offering to put their own money into environmental improvements from which the public benefits. We are missing an opportunity to utilize private dollars to produce environmental benefits such as cleaner water and cleaner air when we underfund cost-share conservation programs.

One of the most popular of these programs, the Environmental Quality Incentives Program, EQIP, has had an application backlog that has averaged $1.6 billion a year over the past 4 years. Yet the farm bill before us provides no increase in funding for this popular conservation program.

The current farm bill also provides no increase in funding for the Farmland Protection Program. This program is critical because in many areas our working farms and ranches are under tremendous development pressures. From 1992 to 1997, this country lost more than 6 million acres of agricultural land—an area the size of Maryland—to development. And yet this bill doesn't provide the funding needed to assist State and local governments and private land trusts in the important work they do to conserve our Nation's farmland.

Increasing funding for the farm bill's conservation programs also provides another way to make our farm policies more equitable. All producers can be eligible to participate in conservation programs, regardless of what they grow or where they grow it. By contrast, only producers of a handful of commodity crops can participate in commodity programs.

While discussion of commodity policy dominates much of the farm bill debate and discretionary funding, production agriculture remains a comparatively small and shrinking part of the rural economy.

Farm employment has fallen from just over 14 percent of total employment in 1969 to 6 percent in 2005. The number of counties with farm employment accounting for 20 percent or more of total employment has shrunk dramatically from 1,148 in 1969 to 348 in 2005. Furthermore, only 1 in 75 Americans lives on a farm today, and nearly 90 percent of total farm household income comes from off-farm sources.

Despite this fundamental shift, the 2002 farm bill committed 69 percent of total spending to commodity payments, plus another 13 percent to conservation payments. In all, four-fifths of total funding went to a select few farmers, while only 0.7 percent went to rural development initiatives aimed at boosting rural economies.

We now have evidence which suggests that direct payments to farmers have little positive impact on rural economies. A recent study revealed that most payment-dependent counties did not even match the national average in terms of job growth from 1992 to 2002. In fact, many experienced losses during that time.

Furthermore, most of these payment-dependent counties experienced population losses during that same 10-year period. Such job and population loss figures suggest that our current system of support for rural communities, which relies on subsidies like direct payments, does not work.

I am also pleased that the amendment we are offering expands agricultural markets and decreases oil dependency by dramatically increasing

research and development efforts for cellulosic ethanol and other renewable fuels, and expanding clean renewable energy opportunities to all of our rural areas. This is an area of considerable interest to the chairman who has been a stalwart supporter.

Today's growth in ethanol production is creating jobs and bringing new sources of revenue into our communities. Because of our energy demands, we are witness to a palpable sense of optimism in rural communities for economic growth in areas that have stagnated under the current farm bill. Failure to give clear and strong Government commitment in the farm bill to developing biofuels from diverse feedstocks has unnecessarily confined new markets to midwestern States rich in corn. Spreading the economic benefits of biofuels nationwide will require breakthroughs in technologies and agricultural techniques to make more fuels from farm, municipal, and industrial wastes available from coast to coast. Strong support in the farm bill will help galvanize private investment and bring jobs across the country.

Yet the opportunity before us involves more than economic growth. Dramatic advancements in biofuels will help build a more secure and self-reliant America by reducing our dependence on foreign oil. Global competition for oil continues to grow as demand soars and oil-rich States tighten their control over supplies. Already, we have witnessed Russia cut its exports to selected countries for political gain, and the Governments of Iran and Venezuela have threatened to do the same. Each year, Americans spend hundreds of billions of dollars to import oil. Some of that money enriches authoritarian governments that suppress their own people and work against the United States. Meanwhile, oil infrastructure is being targeted by terrorists. In today's tight oil market even a small disruption in oil supplies could cause shortages and send prices much higher than the $90-plus per barrel prices Americans have paid in recent weeks.

Biofuels will not make America completely independent of energy imports, but they can strengthen our leverage over oil-rich regimes hostile to the United States, give greater freedom to our policy options in the Middle East, help protect our economy, and foster rural development.

Reaping the economic and energy security benefits of biofuels and other rural, renewable energy requires breakthroughs in research and incentives for infrastructure development. Our amendment provides an additional half billion dollars to transform renewable energy's opportunity into reality.

During the markup in the Agriculture Committee, I offered an amendment to increase nutrition funding in the farm bill by about $1.6 billion through cuts to direct payments.

Unfortunately, my amendment was defeated 17–4. However, the amendment sparked constructive, bipartisan debate on the importance of strong funding for the nutrition programs that provide a safety net for people across our country who are on the cusp of poverty. I am thankful to Senators HARKIN and CHAMBLISS for taking that discussion seriously, and as a result, using the savings generated from a committee change to the underlying bill to provide additional funding for the nutrition title of this farm bill.

But even as I applaud the efforts of Agriculture Committee members for their attention to nutrition programs, I have serious concerns that the nutrition program in this bill is essentially only authorized for 5 years. At the end of the 5 years, funding for nutrition programs drops dramatically. In 2012, we would then be faced with having to manipulate the budget to find additional funding for these programs or vulnerable Americans would lose this much-needed assistance. This is because the agriculture bill before us is ''front-loading'' spending during the first 5 years and then virtually zeroing out nutrition spending for years 6 through 10 so that the bill will come out budget neutral, on paper, but will cost taxpayers handsomely in reality. This is just one of many budgetary tricks performed so that the scoring works out favorably without regard to the practical application of such maneuvers.

In our amendment, nutrition programs would not end. In fact, we increase funding for these important programs by $2 billion over the underlying farm bill and make these funding increases permanent. We cannot and should not build a safety net with holes.

This leads me to another benefit of our reform proposal. Our amendment provides critical funding for each of these priorities and yet pays for itself from the existing agricultural budget passed by Congress without employing deceptive budgetary maneuvers. In fact, our bill will save taxpayers $4 billion.

Unfortunately, this is not the case with the underlying bill, and if you take a thorough look, you realize just how precarious that bill's budget situation truly is. In fact, the Bush administration's Statement of Administrative Policy highlighted a number of budget gimmicks used to make the farm bill pay-go compliant, at least on paper.

The FRESH Act amendment is fully paid for, fiscally responsible and provides a framework for growth for farmers and rural communities. Furthermore, the long-term budgetary savings from our proposal will allow for us to make considerable investments in key priority areas.

There is an inappropriate political assumption that agriculture policy is impenetrable for consumers, taxpayers, the poor, and the vast majority of Americans who are being asked to pay for subsidies, while getting little in return. Even if only a small number of farmers in a State raise a program crop or one of the protected specialty crops like milk, sugar, or peanuts, their focused advocacy somehow has more political influence than the broader well-being of consumers and taxpayers. In short, those who benefit from current agriculture programs are virtually the only participants in the debate.

This fact is probably best illustrated by the fact that one of the most contentious debates on this bill has been whether farmers with income of over $1 million, after farm expenses have been paid, should continue to receive subsidies. I have even seen media reports that indicate that if a payment limitation amendment were passed, the farm bill could be filibustered. Keep in mind that the median household income for Americans for 2006 was $48,200 and the average income of a food stamp recipient is less than $10,000.

There is also an ongoing reluctance to consider change. Members will say, ''Farming is conservative by nature. You can't demand too much change.'' In 2002, I offered a similar type of reform proposal and opponents argued that the proposal was ''too new, too radical, and required too much change.''

You will hear that same baseless argument today. Mr. President and Members of the Senate, when is the time for reform? When will we fix this broken system? When will we act on the clear evidence before us?

As Senators, we clearly must understand our responsibility. Whether we understand all the complexities of our current farm programs, we know where the money goes. The bulk of the money in the underlying farm bill goes to a very few farmers, a very few. That has been clear throughout. This is not a great humanitarian effort. This does not save the family farmer, the low-income farmer, or even the middle-income farmer.

This bill is about making choices. And it is incredible to me that with all of the budgetary pressures that we are facing to fund critical needs such as providing better health insurance coverage for Americans, protecting Social Security and pension savings, improving education, increasing border security, and providing our men and women in the Armed Forces with appropriate pay and equipment that we would consider a bill which enriches so few individuals.

I believe that this year's farm bill debate is a good time to begin changing these dynamics.

This year an unconventional alliance of conservation, humanitarian, business and taxpayer advocate groups has entered the fray with success in framing the issue and building support for the FRESH Act. They represent the broadest ever political support for change.

Newspapers in at least 41 States have written editorials in support of changing our farm programs to a fair, trade

compliant and fiscally responsible system. I have distributed these articles to my colleagues.

Perhaps more importantly, there has never been a better time for farmers to change. Thanks to strong foreign and domestic demand for energy crops, net farm income is forecast to be $87 billion, up $28 billion from 2006 and $30 billion above the average for the previous 10 years and setting a new record for new farm income.

As a result, average farm household income is projected to be almost $87,000 in 2007, up 8 percent from 2006, 15 percent above the 5-year average between 2002 and 2006, and well above median U.S. household income. Farm revenue may be high today but this will not always be the case. It is critical that we have an appropriate safety net in place to assist these farmers during times of need.

Agriculture policy is too important for rural America and the economic and budgetary health of our country to continue the current misguided path. Our amendment provides a much more equitable approach, produces higher net farm income for farmers, increases farm exports, avoids stimulating overproduction, and gives more emphasis to environmental, nutritional, energy security and research concerns. More importantly, this proposal will protect the family farmer through a strong safety net and encourage rural development in a fiscally responsible and trade compliant manner.

The PRESIDING OFFICER (Mr. CASEY.) The Senator from Montana.

AMENDMENT NO. 3666 TO AMENDMENT NO. 3500

Mr. TESTER. Mr. President, I ask unanimous consent to temporarily set aside amendment 3711 and call up amendment No. 3666, and further ask unanimous consent that the time not be charged against the time allocated for amendment 3711.

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

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. GRASSLEY and Mr. HARKIN, proposes an amendment numbered 3666 to amendment No. 3500.

Mr. TESTER. 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 as follows:

(Purpose: To modify the provision relating to unlawful practices under the Packers and Stockyards Act)

On page 1232, strike lines 9 through 12 and insert the following:

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsections (c), (d), (e), and (g) (as redesignated by paragraph (1)), by striking the semicolon each place it appears and inserting '', regardless of any alleged business justification;''; and

(3) by inserting after subsection (e) the following:

On page 1233, line 20, strike ''subsection (a)'' and insert ''subsection (a)(3)''.

On page 1234, line 2, strike ''subsection (a)'' and insert ''subsection (a)(3)''.

Mr. TESTER. Mr. President, the Packers and Stockyards Act of 1921 prohibits meatpackers from engaging in any course of business or doing any act for the purpose or with the effect of manipulating or controlling prices. This act was passed in Congress way back when it was determined that the Sherman Act, the Clayton Act, and the FTC Act were insufficient to promote competitive markets.

Unfortunately, back in 2005, three judges decided to rewrite the Packers and Stockyards Act instead of interpreting this statute. What this amendment will do is reinstate the Packers and Stockyards Act, and with that reinstate free market competition in the marketplace.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the time I am talking not be charged against the time for debate with respect to the Lugar-Lautenberg amendment.

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

AMENDMENT NO. 3660 TO AMENDMENT NO. 3500

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 3660, and ask unanimous consent that once the amendment is reported by number, I be recognized to speak for up to 5 minutes, and that at the conclusion of my statement, the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Florida. Reserving the right to object——

Mr. CHAMBLISS. Reserving the right to object, would the Senator mind amending his unanimous consent request to provide for Senator NELSON to speak for 5 minutes and Senator MARTINEZ to speak for up to 5 minutes?

Mr. BAUCUS. That is fine as long as the time is not being charged.

Mr. LAUTENBERG. I have no objection as long as this time is not charged against the pending amendment.

The PRESIDING OFFICER. Is there objection to the request as modified?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself and Mr. CRAPO, proposes an amendment numbered 3660 to amendment No. 3500.

The amendment is as follows:

(Purpose: To modify the trade title)

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

SEC. 3___. AGRICULTURAL SUPPLY.

(a) IN GENERAL.—Section 902(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201(1)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1) the following:

''(2) AGRICULTURAL SUPPLY.—The term 'agricultural supply' includes—

''(A) agricultural commodities; and

''(B)(i) agriculture-related processing equipment;

''(ii) agriculture-related machinery; and

''(iii) other capital goods related to the storage or handling of agricultural commodities or products.''.

(b) CONFORMING AMENDMENTS.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) is amended—

(1) by striking ''agricultural commodities'' each place it appears and inserting ''agricultural supplies'';

(2) in section 904(2), by striking ''agricultural commodity'' and inserting ''agricultural supply''; and

(3) in section 910(a), in the subsection heading, by striking ''AGRICULTURAL COMMODITIES'' and inserting ''AGRICULTURAL SUPPLIES''.

SEC. 3___. CLARIFICATION OF PAYMENT TERMS UNDER TSREEA.

Section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) striking ''(1) IN GENERAL.—No United States person'' and inserting the following:

''(1) PROHIBITION.—

''(A) IN GENERAL.—No United States person''; and

(3) in the undesignated matter following clause (ii) (as redesignated by paragraph (1)), by striking ''Nothing in this paragraph'' and inserting the following:

''(B) DEFINITION OF PAYMENT OF CASH IN ADVANCE.—Notwithstanding any other provision of law, for purposes of this paragraph, the term 'payment of cash in advance' means only that payment must be received by the seller of an agricultural supply to Cuba or any person in Cuba before surrendering physical possession of the agricultural supply.

''(C) REGULATIONS.—The Secretary of the Treasury shall publish in the Federal Register a description of the contents of this section as a clarification of the regulations of the Secretary regarding sales under this title to Cuba.

''(D) CLARIFICATION.—Nothing in this paragraph''.

SEC. 3___. REQUIREMENTS RELATING TO CERTAIN TRAVEL-RELATED TRANSACTIONS WITH CUBA.

Section 910 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7208) is amended by adding at the end the following:

''(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-RELATED EXPENDITURES IN CUBA BY PERSONS ENGAGING IN TSREEA-AUTHORIZED SALES AND MARKETING ACTIVITIES.—

''(1) DEFINITION OF SALES AND MARKETING ACTIVITY.—

''(A) IN GENERAL.—In this subsection, the term 'sales and marketing activity' means any activity with respect to travel to, from, or within Cuba that is undertaken by United States persons—

''(i) to explore the market in Cuba for products authorized under this title; or

''(ii) to engage in sales activities with respect to such products.

''(B) INCLUSION.—The term 'sales and marketing activity' includes exhibiting, negotiating, marketing, surveying the market, and delivering and servicing products authorized under this title.

''(2) AUTHORIZATION.—The Secretary of the Treasury shall authorize under a general license the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations (as in effect on June 1, 2007), for travel to, from, or within Cuba in connection with sales and marketing

activities involving products approved for sale under this title.

''(3) AUTHORIZED PERSONS.—Persons authorized to travel to Cuba under paragraph (2) shall include—

''(A) producers of products authorized under this title;

''(B) distributors of such products; and

''(C) representatives of trade organizations that promote the interests of producers and distributors of such products.

''(4) REGULATIONS.—The Secretary of the Treasury shall promulgate such rules and regulations as are necessary to carry out this subsection.''.

SEC. 3___. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

The Trade Sanctions Reform and Export Enhancement Act of 2000 is amended—

(1) by redesignating section 911 (22 U.S.C. 7201 note; Public Law 106–387) as section 912; and

(2) by inserting after section 910 (22 U.S.C. 7209) the following:

''SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BETWEEN CUBAN AND UNITED STATES FINANCIAL INSTITUTIONS.

''Notwithstanding any other provision of law (including regulations), the President shall not restrict direct transfers from Cuban to United States financial institutions executed in payment for products authorized by this Act.''.

SEC. 3___. SENSE OF CONGRESS THAT PROSPECTIVE PURCHASERS OF TSREEA PRODUCTS SHOULD BE ISSUED VISAS TO ENTER THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should issue visas for temporary entry into the United States of Cuban nationals who demonstrate a full itinerary of purchasing activities relating to the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201 et seq.) while in the United States.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this Act and every 90 days thereafter, the Secretary of State shall submit to the Committees on Agriculture, Foreign Affairs, and Ways and Means of the House of Representatives and the Committees on Agriculture, Nutrition, and Forestry, Finance, and Foreign Relations of the Senate a report that describes any actions of the Secretary relating to this section, including—

(1) a full description of each application received from a Cuban national to travel to the United States to engage in purchasing activities described in subsection (a); and

(2) a description of the disposition of each such application.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, more than 200 years ago, Richard Whately, an English logician, said:

> A man is called selfish not for pursuing his own good, but for neglecting his neighbor's.

Not only does our current Cuba policy make it difficult to pursue our own good, we are also guilty of neglecting the good of one of our closest neighbors.

Today I am offering an amendment to enable America's farmers and ranchers to sell their wheat, potatoes, and dairy products to a neighbor only 90 miles away and a market of 11 million consumers. That market, of course, is Cuba.

In the year 2000, Congress authorized limited sales of food and medical goods to Cuba under the Trade Sanctions Reform and Export Enhancement Act, otherwise known as TSREEA. That law permitted United States farmers and ranchers to engage in cash-based sales of their goods to Cuban buyers.

Under this new law, our agricultural trade with Cuba prospered. At its peak, American farmers and ranchers, including those from Montana, sold over $400 million worth of peas, beef, and wheat to Cuba in 1 year. In fact, in the year 2003, I led a trade mission to Cuba and walked away with a $10.4 million deal for Montana. Cuba bought $10.4 million of Montana wheat, beans, and peas. I went back a year later for $15 million worth of Montana goods. But then things changed. In 2005 the Treasury Department issued rules to stymie such sales. Under the guise of clarifying the intent of Congress, the Treasury Department instead undermined the express will of Congress by restricting the ability of U.S. farmers and ranchers to engage in cash-basis sales. Specifically, the new Treasury rule requires Cuban buyers to pay for their goods before they leave U.S. ports. What is the effect of that? That converts the goods to Cuban assets, which makes them vulnerable to seizure in American ports to satisfy unrelated American claims against the Cuban Government.

In order for American farmers and ranchers to sell their wheat, beef, and pork to Cuba, they must work with foreign banks, and surrender a portion of their profits to costly fees. Not surprisingly, since Treasury's rule, cash-basis sales of agricultural products to Cuba have slowed to a trickle. It made implementation of Montana's 2004 agreement with Cuba virtually impossible.

I think I know the intent of Congress. I was here when that act was passed. I can assure you that we do not need Treasury's ''clarification.'' Congress did not approve legislation to expand trade with Cuba with the expectation that the administration would seek to restrict it. Congress does not approve legislation to enable the sales of products by our farmers and ranchers, while at the same time making it impossible, by the Treasury Department, for them to receive payment.

These rules have continued to stifle the ability of farmers to sell their products to Cubans on a cash basis. They have encouraged foreign banks to take a cut of every United States ag deal with Cuba. They have required farmers and ranchers to wait weeks and months to get a license to travel to Cuba to meet potential buyers. They prevent Cuban buyers, who want to come to this country to meet with producers, who are going to buy the American products, from entering our country.

This amendment would change that. It restores the true intent of Congress. It simplifies the cash transactions, and expands opportunities for U.S. farmers and ranchers. It enables direct transfers from American banks to Cuban banks. It allows American farmers and ranchers to travel to Cuba to sell their products, and it encourages Cuban buyers to come to the United States to see our first-class products for themselves.

These provisions are plain, simple, common sense. These provisions are sound policy. I had hoped we could have a discussion and a vote on this amendment. But, unfortunately, some Members of this body have threatened to hold up the farm bill if we include, or even vote on, these important provisions.

AMENDMENT NO. 3660 TO AMENDMENT NO. 3500 WITHDRAWN.

In the interest of moving the farm bill forward, it is with deep regret that I ask unanimous consent to withdraw my amendment.

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

The Senator from Florida.

Mr. NELSON of FLORIDA. Mr. President, Senator BAUCUS and I see eye to eye on about 95 percent of the issues in front of the Senate. This is one we do not agree on.

I thank Senator BAUCUS for withdrawing his amendment. He has been an outspoken and very articulate spokesman for his point of view of wanting agricultural products to go to Cuba. And coming from his State of Montana, I certainly understand that.

There is a greater issue here, in this Senator's opinion, and that is the issue of the foreign policy of the United States.

This Senator believes this issue ought to be a foreign policy debate on the future of the relationship of the United States with Cuba. There will be an appropriate forum in which we can engage in that debate. I believe that debate will come sooner than later because there is change in the air and change on the island of Cuba. Fidel is transitioning out. Raul is transitioning in. There is a great deal of unrest among the people, increasingly in a police state that has been so effective in tamping down any dissent over the course of the last four decades. Increasingly we are seeing the people of Cuba start to resist, to dissent, and to do it openly. We are right on the cusp of the Castro government starting to disintegrate and being unable to cow the people by imprisoning them as they have in the past.

What, therefore, should be the foreign policy of the United States when we are right at this moment of change? I think we ought to have a deliberative discussion about that issue, instead of on the farm bill. That is why I am thanking the Senator from Montana for withdrawing the amendment. I look forward to that debate. I look forward to this extraordinary change that is occurring on the island of Cuba so that ultimately those people will be able to break the shackles of bondage they have been in, and we can have a normal relationship between the Government of Cuba and the Government of the United States when that country finally does become free. That is our

hope, our prayer. That should be the goal of the foreign policy of the United States. It is within our grasp shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I join with my senior colleague in thanking the distinguished Senator from Montana for withdrawing this amendment which was ill-timed on this farm bill. Much important farm legislation and related items are in this bill. To now inject into it the very difficult issue, as my senior colleague well described, of a very fine-tuned policy, a foreign policy issue with Cuba into this bill would be a grave mistake.

I want to speak in a little broader context about the relationship between the United States and Cuba. It is one that is rooted—and the reason this proposed amendment would be so wrong—in the steps the Castro government took against U.S. economic interests on the island almost a half century ago, all uncompensated, never accounted for, and never taken care of. It is a debt that still exists. Legitimate business interests had their property taken from them without just compensation. That is why we have the policy we have today.

The question is, how can we influence events, how can we better help the Cuban people to overthrow the shackles that have held them in prison for 47 years?

The fact is, there is an awful lot happening on the island. People are increasingly saying enough is enough. It is time for change. Cimbio, the Spanish word for change, on this little bracelet that the people around the island are wearing increasingly represents the desire of the Cuban people. The Cuban regime, true to its nature, continues to repress the people. Here is why we should not reward the Cuban Government with a change in U.S. policy.

Yesterday, Human Rights Day around the world was celebrated in Cuba by a small group of people seeking to simply peacefully march to Ghandi Park, a park where Ghandi, that peaceful icon of the world, is represented. On their way there, Government thugs beat and arrested them, took them into unmarked sedans, and removed them from the area. So threatened is that Government that they also arrested 70 young people a month or so ago for wearing this simple bracelet. But that is not all. The most unheard of human rights abuse has taken place in recent days. In addition to the illegitimate detention of political prisoners in the most unspeakable conditions is the fact that the Cuban Government thugs entered a Catholic Church just a few days ago and arrested 18 young people who were there exercising the very limited right they have to at least attend church and to hear a sermon and to maybe have conversations about their hopes and dreams. The Cuban Government invaded that sacred space, took the people and arrested them. These are just a few examples of why this Government so illegitimately each day loses a little more of its grip on the people.

I believe the time will come when we can trade with Cuba, when we can have open relationships, and when we can see the fruits of that relationship benefit the people of Cuba, not just the Government structure with which America's farmers are dealing. We should not give credit to the Cuban Government. We know these cash sales are the only way we can be sure our people will be paid, and we should not enhance or increase the opportunity for the Cuban Government, which is the only owner of anything in Cuba. No one owns any property in Cuba but the Cuban Government. To trade with Cuba does not mean trading with Cuban farmers. It means trading with the Cuban Government apparatus. The Cuban people only see the meager droppings from the table of the tourists who go to Cuba with whom they are not allowed to even have a conversation.

Oftentimes people say: If we only opened the opportunity for people to freely travel, if we only allowed for the contact Americans would have with ordinary Cubans, everything would change. There are Canadian tourists, British, Italian. Their impact upon the Cuban people has not changed a thing because the tourists are prohibited from interacting with the people themselves. The people are just their servants. The people are the people who facilitate a fun time in the sun, but they are not allowed to have any political influence upon the people of Cuba.

I know there was a hearing this morning. I would love to comment further on that because much was said there which I believe to be completely wrong. But I thank the Senator from Kentucky, Mr. BUNNING, who, in this hearing this morning, spoke about his 5 months in Cuba. I saw Senator BUNNING when he was in Cuba during that time as a young boy. I had the pleasure of going to a stadium and watching him pitch, which was a thrill to me. Little did I know I would have the honor of serving with him in the Senate. I thank the Senator from Kentucky for his very good words and his clear understanding of the Cuban situation as it is today.

I thank the Senator from Montana for withdrawing an ill-timed and ill-advised amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. I ask unanimous consent that whatever time is used during the quorum be charged equally.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 3720 TO AMENDMENT NO. 3500

Mr. SCHUMER. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up my amendment and that the time I use to describe my amendment not be charged against the time for the Senators from New Jersey and Indiana.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3720 to amendment No. 3500.

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

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

The amendment is as follows:

(Purpose: To improve crop insurance and use resulting savings to increase funding for certain conservation programs)

On page 272, after line 24, add the following:

SEC. 19___ SHARE OF RISK; REIMBURSEMENT RATE; FUNDING AND ADMINISTRATION.

(a) SHARE OF RISK.—

(1) IN GENERAL.—Section 508(k)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(3)) is amended—

(A) by striking ''require the reinsured'' and inserting the following: ''require—

''(A) the reinsured'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B)(i) the cumulative underwriting gain or loss, and the associated premium and losses with such amount, calculated under any reinsurance agreement (except livestock) ceded to the Corporation by each approved insurance provider to be not less than 12.5 percent; and

''(ii) the Corporation to pay a ceding commission to reinsured companies of 2 percent of the premium used to define the loss ratio for the book of business of the approved insurance provider that is described in clause (i).''.

(2) CONFORMING AMENDMENTS.—Section 516(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1516(a)(2)) is amended by adding at the end the following:

''(E) Costs associated with the ceding commissions described in section 508(k)(3)(B)(ii).''.

(3) EFFECTIVE DATE.—The amendments made by this section take effect on June 30, 2008.

(b) REIMBURSEMENT RATE.—Notwithstanding section 1911, section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C.

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 amendment 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 researches 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, countercyclical, 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 contained 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 nonrecourse 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 cosponsor 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&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; Mapfre 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 theologically 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 subsidies 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 programs. 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	Voinovich
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 commonsense 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 foreclosed 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 childbearing 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 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 authorize 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, Washington, 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 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 cosponsored 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 INOUYE 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 bemoaning 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 Assistant 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 provide 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_2 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 included 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 homegrown 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 effect, 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_2 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

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:

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 cellulosic 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 biorefinery 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,

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 minutes 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 INOUYE 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;

and increase the maximum fines for willful violation of consumer safety laws from $1.8 million to $100 million.

I expect the Senate to move important legislation in this area before the holiday. The House, led by Congressman BOBBY RUSH, is engaged in a similar effort on the House side.

If we are going to pass stronger consumer product safety legislation, it is vital that we have bipartisan cooperation and pursue this legislation in a bipartisan fashion. I support the effort led by Senators INOUYE and PRYOR to reach out to Senators STEVENS and SUNUNU of the Commerce Committee to do just that.

I encourage these efforts to continue in order to produce a robust bill that will improve consumer safety and the functioning of the CPSC.

It is a noncontroversial, bipartisan idea that the American public expects.

TRIBUTE TO MAGGIE LAINE WEBB

Mr. DURBIN. Mr. President, today, in Moline, IL, Maggie Laine Webb will be buried.

A promising career took Maggie away from Moline. Sadly, gun violence has brought her home.

Maggie Webb was working at the Van Maur department store in Omaha last Wednesday when a 19-year-old man opened fire with an AK–47 assault rifle, killing eight people and wounding five more before taking his own life.

Maggie Webb was the youngest of the gunman's victims. She was just 24; she would have turned 25 in 2 weeks.

She had transferred to Omaha from another Von Maur department store just 6 weeks earlier. In Omaha, Maggie was a store manager—a position of unusual responsibility for someone her age. But then, Maggie Webb was, by all accounts, an unusually responsible, talented young woman.

At Moline High School, where she graduated in 2001, Maggie was a softball standout, she ran track, and she was involved in student council and many other activities. She went on to graduate in 2005 from Illinois State University.

News of her death has hit many of her former teachers at Moline High School hard. Bill Burrus, the school principal, said one teacher remarked of Maggie, ''She was one of the good ones,'' paused, and then said, ''No, one of the great ones.''

Maggie Webb is survived by her parents, Dave and Vicki Webb, of Port Byron, IL, and her two older sisters.

Our thoughts, prayers, and condolences are with the Webb family and all of the families affected by this senseless violence.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 307 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation, including one or more bills and amendments, that reauthorizes the 2002 farm bill or similar or related programs, provides for revenue changes, or any combination thereof. Section 307 authorizes the revisions provided that certain conditions are met, including that amounts provided in the legislation for the above purposes not exceed $20 billion over the period of fiscal years 2007 through 2012 and that the legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that Senate amendment No. 3711 offered by Senator LUGAR to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419, satisfies the conditions of the deficit-neutral reserve fund for the farm bill. Therefore, pursuant to section 307, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 RECORD.

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

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498.971
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	−37.456
FY 2012	−98.125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,509.169
FY 2009	2,523.934
FY 2010	2,581.464
FY 2011	2,696.588
FY 2012	2,737.256
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.293
FY 2009	2,569.600
FY 2010	2,607.308
FY 2011	2,702.556
FY 2012	2,717.397

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	336
FY 2008 Outlays	−255
FY 2008–2012 Budget Authority	−2,290
FY 2008–2012 Outlays	−5,504
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,424
FY 2008 Outlays	14,374
FY 2008–2012 Budget Authority	74,591
FY 2008–2012 Outlays	65,545

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, earlier today, pursuant to section 307 of S. Con. Res. 21, I filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for Senate amendment No. 3711, an amendment offered to Senate amendment No. 3500, an amendment in the nature of a substitute to H.R. 2419.

The Senate did not adopt Senate amendment No. 3711. As a consequence, I am further revising the 2008 budget resolution and reversing the adjustments made pursuant to section 307 to the aggregates and the allocation provided to the Senate Agriculture, Nutrition, and Forestry Committee for Senate amendment No. 3711.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

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

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,024.835
FY 2009	2,121.607
FY 2010	2,176.229
FY 2011	2,357.094
FY 2012	2,498,971
(1)(B) Change in Federal Revenues:	
FY 2007	–4.366
FY 2008	–25.961
FY 2009	14.681
FY 2010	12.508
FY 2011	–37.456
FY 2012	–98,125
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,508.833
FY 2009	2,526.124
FY 2010	2,581.369
FY 2011	2,696.797

FY 2012	2,737.578
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,471.548
FY 2009	2,573.005
FY 2010	2,609.873
FY 2011	2,702.839
FY 2012	2,716.392

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Further Revisions to the Conference Agreement Pursuant to Section 307 Deficit-Neutral Reserve Fund for the Farm Bill

[In millions of dollars]

Current Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,424
FY 2008 Outlays	14,374
FY 2008–2012 Budget Authority	74,591
FY 2008–2012 Outlays	65,545
Adjustments:	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−336
FY 2008 Outlays	255
FY 2008–2012 Budget Authority	2,290
FY 2008–2012 Outlays	5,504
Revised Allocation to Senate Agriculture, Nutrition, and Forestry Committee:	
FY 2007 Budget Authority	14,284
FY 2007 Outlays	14,056
FY 2008 Budget Authority	17,088
FY 2008 Outlays	14,629
FY 2008–2012 Budget Authority	76,881
FY 2008–2012 Outlays	71,049

SCHOOL SAFETY AND LAW ENFORCEMENT IMPROVEMENT ACT

Mr. LEAHY. Mr. President, in the 8 months since the horrific incident at Virginia Tech that resulted in the tragic deaths of 32 students, we have witnessed a barrage of new incidents involving threatening conduct and, too often, deadly acts of violence at our schools and college campuses nationwide.

Just this past Saturday, police arrested a student at Loyola Marymount University in Los Angeles on suspicion of posting an anonymous online threat to kill people on campus. The threat appeared on a blog used primarily by college students. It said: ''I am going to shoot and kill as many people as I can until which time I am incapacitated or killed by police.'' Fortunately, police got to this troubled student before he could make good on his threat. But I urge the Senate not to sit back and wait until the next time, when police may not be able to stop a deadly event before it occurs. We must act now to protect our schools and college campuses.

Those who perpetrate these terrible crimes know no boundaries. No targets are off limits. This past Sunday, a man killed two people in Arvada, CO, after being refused lodging at a Christian missionary center. Later that day, in Colorado Springs, the same man opened fire outside the New Life Church, taking the lives of two teenaged sisters and leaving a third victim in critical condition. These recent incidents make clear yet again that we must do all we can to ensure that law enforcement is prepared and equipped to respond to such incidents.

I urge Congress to take prompt action to help stem this tide of violence. The full Senate can begin to address this terrible and recurring problem by taking up and passing the School Safety and Law Enforcement Improvement Act of 2007, a legislative package that responds to the Virginia Tech tragedy and the ongoing problem of violence in our schools and in our communities.

The Judiciary Committee passed this important bill out of committee over 4 months ago. In passing the bill out of the Judiciary Committee this past September, the committee attempted to show deference to Governor Kaine and the task forces at work in Virginia and to complement their work and recommendations. Working with several Senators, including Senators BOXER, REED, SPECTER, FEINGOLD, SCHUMER, and DURBIN, the committee originated this bill and reported it before the start of the academic year in the hope that the full Senate could pass these critical school safety improvements this fall.

Regrettably, the bill has been stalled on the Senate floor. I urge those holding up its passage to consider that this administration has spent more than $15 billion to equip, train, and build facilities for the Iraqi security forces. Surely Congress can stand up for American kids who face unrelenting school violence by authorizing just a fraction of this money to reduce deadly violence in our schools and communities right here at home.

I do not think the Senate should continue to stand by and wait for the next horrific school tragedy to make the critical changes necessary to insure safety in our schools and on our college campuses. The risk of school violence will not go away just because Congress may shift its focus. Since this bill passed out of committee, we have seen tragedy at Delaware State, University of Memphis, SuccessTech Academy in Cleveland, OH, as well as incidents in California, New York, Pennsylvania, and Oregon, to name just a few. I urge the Senate to move aggressively with the comprehensive school safety legislation. It includes background check improvements, together with other sensible yet effective safety improvement measures supported by law enforcement across the country. If we are prohibited by objection from doing so by unanimous consent, then let us move to it and let those with objections seek to amend those provisions to which they object.

There are too many incidents at too many colleges and schools nationwide. This terrorizes students and their parents. We should be doing what we can to help.

Several weeks ago, a troubled student wearing a Fred Flintstone mask and carrying a rifle through campus was arrested at St. John's University in Queens, NY, prompting authorities to lock down the campus for 3 hours. The day after that incident, an armed 17-year-old on the other side of the country in Oroville, CA, held students hostage at Las Plumas High School, also resulting in a lock-down. The incidents have continued with the arrest a few weeks ago of an armed student suspected of plotting a Columbine-style attack on fellow high school students in Norristown, PA. More recently, in Happy Valley, OR, police arrested a 10-year-old student who brought a semi-automatic weapon into his elementary school. The students in these situations were lucky and escaped without injury.

University of Memphis student Taylor Bradford was not so lucky. He was killed on campus on September 30 in what university officials believe was a targeted attack. He was 21 years old. Shalita Middleton was not so lucky. She died on October 23 from injuries she sustained during the Delaware State incident. She was 17 years old. Nathaniel Pew was not so lucky. He was wounded at Delaware State. High school teachers Michael Grassie and David Kachadourian and students Michael Peek and Darnell Rodgers—all of whom were wounded by a troubled student at SuccessTech Academy on October 10—were not so lucky.

The School Safety and Law Enforcement Improvement Act responds directly to incidents like these by squarely addressing the problem of violence in our schools in several ways. The bill enlists the States as partners in the dissemination of critical information by making significant improvements to the National Instant Background Check System, known as the NICS system. The bill also authorizes Federal assistance for programs to improve the safety and security of our schools and institutions of higher education, provides equitable benefits to law enforcement serving those institutions including bulletproof vests, and funds pilot programs to develop cutting-edge prevention and intervention programs for our schools. The bill also clarifies and strengthens two existing statutes—the Terrorist Hoax Improvements Act and the Law Enforcement Officers Safety Act—which are designed to improve public safety.

Specifically, title I would improve the safety and security of students both at the elementary and secondary school level, and on college and university campuses. The K–12 improvements are drawn from a bill that Senator BOXER introduced in April, and I want to thank Senator BOXER for her hard work on this issue. The improvements include increased funding for much-needed infrastructure changes to improve security as well as the establishment of hotlines and tip-lines, which will enable students to report potentially dangerous situations to school administrators before they occur.

These improvements can save lives. After the four students and teachers

were wounded at SuccessTech Academy, the press reported that parents had been petitioning to get a metal detector installed and additional security personnel added, and that the guard who was previously assigned to the school had been removed 3 years ago. In fact, the entire city of Cleveland has just 10 metal detectors that are rotated throughout the city's more that 100 schools. Title I of the bill would enhance the ability of school district to apply for and receive grant money to fund the installation of metal detectors and the training and hiring of security personnel to keep our kids safe. Over the past 4 years, this administration has spent over $15 billion to equip, train, and build facilities for the Iraqi security forces. Surely, Congress can stand up for American kids who face unrelenting school violence by supporting just a small fraction of this figure for much-needed school safety improvements.

To address the new realities of campus safety in the wake of Virginia Tech and more recent college incidents, title I also creates a matching grant program for campus safety and security to be administered out of the COPS Office of the Department of Justice. The grant program would allow institutions of higher education to apply, for the first time, directly for Federal funds to make school safety and security improvements. The program is authorized to be appropriated at $50,000,000 for the next 2 fiscal years. While this amounts to just $3 per student each year, it will enable schools to more effectively respond to dangerous situations on campus.

Title II of the bill seeks to improve the NICS system. The senseless loss of life at Virginia Tech revealed deep flaws in the transfer of information relevant to gun purchases between the States and the Federal Government. The defects in the current system permitted the perpetrator of this terrible crime to obtain a firearm even though a judge had declared him to be a danger to himself and thus ineligible under Federal law. Seung-Hui Cho was not eligible to buy a weapon given his mental health history, but he was still able to pass a background check because data was missing from the system. We are working to close gaps in the NICS system. Title II will correct these problems, and for the first time will create a legal regime in which disqualifying mental health records, both at the State and Federal level, would regularly be reported into the NICS system.

Title III would make sworn law enforcement officers who work for private institutions of higher education and rail carriers eligible for death and disability benefits, and for funds administered under the Byrne grant program and the bulletproof vest partnership grant program. Providing this equitable treatment is in the best interest of our Nation's educators and students and will serve to place the support of the Federal Government behind the dedicated law enforcement officers who serve and protect private colleges and universities nationwide. I commend Senator JACK REED for his leadership in this area.

Title IV of the bill makes improvements to the Law Enforcement Officers Safety Act of 2003. These amendments to existing law will streamline the system by which qualified retired and active officers can be certified under LEOSA. It serves us all when we permit qualified officers, with a demonstrated commitment to law enforcement and no adverse employment history, to protect themselves, their families, and their fellow citizens wherever those officers may be.

Title V incorporates the PRECAUTION Act, which Senators FEINGOLD and SPECTER asked to have included. This provision authorizes grants to develop prevention and intervention programs for our schools.

Finally, Title VI incorporates the Terrorist Hoax Improvements Act of 2007, at the request of Senator KENNEDY.

Let us go forward and act now on this important bill. The Virginia Tech Review Panel—a body commissioned by Governor Tim Kaine to study the Virginia Tech tragedy—recently issued its findings based on a 4-month long investigation of the incident and its aftermath. This bill would adopt a number of recommendations from the review panel aimed at improving school safety planning and reporting information to NICS. We must not miss this opportunity to implement these initiatives nationwide, and to take concrete steps to ensure the safety of our kids.

I recognize that there is no solution to fully end the sad phenomenon of school violence. But the recent tragedies should prompt us to respond in realistic and meaningful ways when we are presented with such challenges. I hope the Senate can promptly move this bill forward to invest in the safety of our students and better support law enforcement officers across the country.

FEDERAL CRACK COCAINE SENTENCING POLICY

Mr. LEAHY. Mr. President, nothing is more fundamental to our system of justice than the tenet inscribed in Vermont marble on the supreme court building, that all people should receive ''equal justice under law.'' For more than 20 years, however, our Nation has tolerated a Federal cocaine sentencing policy that treats crack offenders more harshly than cocaine offenders. This policy has unacceptably had a disparate impact on people of color and the poor—without any empirical justification.

Today, the U.S. Sentencing Commission took yet another important step in addressing the wide disparity in our Federal cocaine sentencing laws. By voting to change our Sentencing Guidelines to reduce the sentences of crack offenders currently incarcerated, the Commission took a moderate but significant step to reduce unwarranted sentencing disparities in Federal crack and powder cocaine laws. Their unanimous vote is consistent with the goals of the Sentencing Reform Act, including ''the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct'' and brings our Nation one step closer to a drug policy that is fair and equal for all Americans.

The good news does not stop there. Just yesterday, in the landmark ruling of Kimbrough v. United States, the Supreme Court of the United States expanded the power of our Federal trial courts to address the unfair disparity in our Federal sentencing laws between crack and powder cocaine. By a vote of 7 to 2, the Court ruled that Federal judges may, in their discretion, consider this disparity and depart from a guideline sentence where the punishment is ''greater than necessary'' to serve Congress's objectives.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5-year mandatory minimum sentence as an offender with 500 grams of powder cocaine. That means existing law gives the same sentence to a drug trafficker dealing crack cocaine as it would to one dealing 100 times more powder cocaine.

This year, the Sentencing Commission has taken historic actions to address the unfairness and injustice of this disparity. The Commission held hearings and, after extensive study of this issue, reiterated its long-held position that crack cocaine penalties continue to disproportionately impact minorities and undermine various congressional objectives set forth in the Sentencing Reform Act. Next, the Commission attempted to correct this disparity and provide some relief to some crack cocaine offenders by recommending that all crack penalties be lowered by two base offense levels. Last month, Congress allowed this new Commission amendment—the so-called ''Crack Minus 2'' amendment—to be enacted in the Sentencing Guidelines.

Today, the Sentencing Commission has taken yet another positive step.

This amendment is consistent with Congress's intent in creating a sentencing guideline system. In its report to Congress, the Commission said that the Crack Minus 2 amendment was needed to address its long-held finding that ''the 100-to-1 drug quantity ratio (for crack cocaine) significantly undermines the various congressional objectives set forth in the Sentencing Reform Act.'' I agree. I join the chorus of our esteemed Federal judges, articulated in the Judicial Commission's testimony before the Sentencing Commission on this amendment, that fundamental fairness dictates that this amendment ''equally applies to offenders who were sentenced in the past as well as offenders [who] will be sentenced in the future.''

Fundamental fairness dictates that we undo past errors to build public confidence in the rule of law. Americans must have faith and confidence that our drug laws are fair and proportional, and a rule correcting a past injustice should be applied retroactively to restore that public confidence. The public's faith is even more critical in crack cocaine cases where 85 percent of the defendants are African Americans—a fact which only enhances the public perception that harsh and punitive sentences are imposed disproportionately on persons of color.

Allowing judges to reconsider the sentences for crack offenders will not threaten public safety. As the Judicial Conference noted in its testimony before the Sentencing Commission, ''no offender would be eligible for release without judicial approval.'' This amendment allows judges the discretion to give a sentence outside of the Federal guidelines but does not mandate that such a sentence must be imposed. As chairman of the Senate Judiciary Committee, I have some experience with the people who serve our Nation in lifetime positions on the Federal bench. Unlike those who argue that the sky is falling, I have every confidence in the ability of our Federal judges to use this power sparingly and to provide a proper check when necessary to prevent the release of dangerous offenders back into our communities and neighborhoods.

Most importantly, while I abhor the damage done by drug abuse, I also abhor that the penalties for those in the inner city are different than for those in affluent society. For 21 years, far too many African Americans and low-level drug offenders were subject to unfair and overly punitive Federal crack cocaine sentencing laws. With the Commission's amendment to reduce this disparity, we begin the process of healing wounds which have long shaken the public's confidence in our Federal drug policy. Applying this fix retroactively is only fair and just.

The administration's failure to support retroactivity of even the slightest modification of crack penalties is both a surprise and a deep disappointment. I recall that 2 days before taking office, President Bush said that we should address this problem ''by making sure the powder cocaine and the crack cocaine sentences are the same.'' He also said, ''I don't believe we ought to be discriminatory.'' Yet his Justice Department has strongly opposed retroactive application of this crack cocaine reform amendment, even though failure to act would once again disparately impact African Americans, since an estimated 85 percent of those who would benefit from the policy are African Americans. The Justice Department's position would also erode public confidence that our drug laws are free from bias since previous drug reform amendments more likely to benefit Whites and Hispanics were made retroactive.

Thankfully, the Sentencing Commission accepted the administration's view. Their decision today was unanimous. I hope the Attorney General will take notice and move to support drug laws that treat all Americans equally.

While fundamental change will require congressional action, I salute the Sentencing Commission for its leadership on this issue. I urge my colleagues to support the Commission's decision and support additional changes to our laws to further reduce the disparity in our Federal cocaine sentencing laws. It is long past time for us to rectify this problem.

ADDITIONAL STATEMENTS

RECOGNIZING HIDALGO EARLY COLLEGE HIGH SCHOOL

• Mr. CORNYN. Mr. President, today I recognize the many schools in my State of Texas that are working to close achievement gaps and provide their students with an excellent education. Last week, the U.S. News and World Report issued the very first national rankings for the Best High Schools in America. Out of more than 20,000 schools that were evaluated, one school in south Texas, Hidalgo Early College High School, ranked 11th among the top schools that provide ''a good education across their entire student body, not just for some students.''

I will have more to say about the other schools on the list in separate remarks, but today I would like to focus on the extraordinary story of Hidalgo High School, home of the Pirates and 850 Hispanic students in grades 9–12.

Hidalgo, TX, is a small town, population 7322, on the U.S.-Mexico border about 250 miles south of San Antonio. Although Hidalgo is the fourth largest U.S. port of entry, unemployment tops 11 percent and nearly 40 percent of the population is below the poverty level. Over a quarter of the students at Hidalgo High are limited English proficient. Yet this school has a 94-percent graduation rate.

A grant from the Bill and Melinda Gates Foundation in 2006 has allowed Hidalgo High and the University of Texas-Pan American to develop an innovative partnership for college preparation. All students at Hidalgo High School are enrolled in the Early College High School Program, where they will earn both a high school diploma and an associate's degree or up to 2 years of credit toward a bachelor's degree. Students receive college level credit from the University of Texas-Pan American. The class of 2010 will be the first class to participate in this program for a full 4 years.

According to Hidalgo High Principal Edward Blaha:

> We continuously strive to seek high expectations for all students in their academic, civic and social endeavors and to provide them with opportunities for a successful transition to higher education and the marketplace. . . . Our high school program is designed to engage students in active, collaborative learning that emphasizes the development of critical thinking skills to be applied to real-world concepts.

Congratulations to Principal Edward Blaha, the faculty and staff, and all of the students and their families at Hidalgo High School on achieving this distinction. The decision to pursue the Early College High School Program provides students with the educational opportunities necessary to generate economic and intellectual progress. I am proud of your vision, hard work and achievement.•

RETIREMENT OF ELESTINE SMITH NORMAN

• Mr. GRAHAM. Mr. President, it is my honor and distinct pleasure to recognize Elestine Smith Norman for 34 years of public service to South Carolina's Third Congressional District. Elestine's dedication to her community is without equal and I was fortunate to have her as a member of my staff when I served in the House of Representatives.

Born on December 12, 1949, to the late Wilbert and Elese Morton Smith of Greenwood, SC, Elestine is the youngest of five children. She attended Brewer High School in Greenwood and became the first member of her family to graduate from college, receiving degrees from Piedmont Technical College and Limestone College.

Elestine has been married to Willie Neal Norman for 37 years. Neal works for the South Carolina Department of Social Service and is the pastor of Weston Chapel AME Church in Greenwood where they have faithfully served for 18 years.

She is a two-time survivor of breast cancer and will be the first to tell you that her faith in Jesus Christ provided her the strength to beat this deadly disease.

Elestine's commitment to her community extends well beyond the office door. She was president of the Greenwood Business and Professional Women's Club, a board member of the local United Way, and sat on the Board of Visitors for both Piedmont Technical College and Lander University. In 2007, she was recognized with the Women's History Month Government Award from the AME Church for the State of South Carolina.

Elestine began her career with the U.S. House of Representatives in 1973. She has been a constituent service liaison for four consecutive Members from the Third Congressional District, Democrat and Republican Representatives Bryan Dorn, Butler Derrick, me, and the current office holder GRESHAM BARRETT. Her love for people and her desire to serve has always put her above a party label.

At the end of this year, Elestine Norman will retire after more than three decades of public service. I thank her for her passion and dedication to her

job. She exemplifies the high level of service to humanity we should all strive to achieve.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) announced that on today, December 11, 2007, he had signed the following enrolled bills and joint resolution, previously signed by the Speaker of the House:

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 2371. An act to amend the Higher Education Act of 1965 to make technical corrections.

S.J. Res. 8. Joint resolution providing for the reappointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

At 1:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at Virginia Polytechnic Institute & State University.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 6:20 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4341. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

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

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

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

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4202. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Hospital Mortgage Insurance Program'' (RIN2502–AI22) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4203. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits'' (RIN2577–AC62) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4204. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003'' (RIN3084–AA94) received on December 5, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4205. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Purchase, Sale, and Pledge of Eligible Operations'' (RIN3133–AD37) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4206. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Rule 12h–1 under the Securities Exchange Act of 1934'' (RIN3235–AJ91) received on December 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4207. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Updated Statements of Legal Authority for the Export Administration Regulations'' (RIN0694–AE19) received on December 6, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–4208. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airplane Performance and Handling Qualities in Icing Conditions'' ((RIN2120–AI14)(Docket No. FAA–2005–22840)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4209. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–204)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4210. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; DG Flugzeugbau GmbH Model DG–1000T Gliders'' ((RIN2120–AA64)(Docket No. 2007–CE–032)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4211. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; SICMA Aero Seat 50XXX Passenger Seats'' ((RIN2120–AA64)(Docket No. 2007–NE–09)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4212. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Societe de Motorisations Aeronautiques SR305–230 and SR305–230–1 Reciprocating Engines'' ((RIN2120-AA64)(Docket No. 2007–NE–26)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4213. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–54)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4214. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11, MD–11F, DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F, DC–10–40, DC–10–40F, MD–10–10F, and MD–10–30F Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–061)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4215. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; B/E Aerospace Skyluxe II Passenger Seats'' ((RIN2120–AA64)(Docket No. 2007–NE–21)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4216. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–02)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4217. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Trent 500 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–

NE–15)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4218. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Aircraft Engine Group CF6–45A Series, CF6–50A, CF6–50C Series and CF6–50E Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–23)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4219. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Model 400, 400A, and 400T Series Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–016)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4220. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300F4–605R and A300F4–622R Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–080)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–089)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4222. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2A5F Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–23)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4223. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 58P and 58TC Airplanes'' ((RIN2120–AA64)(Docket No. 2005–CE–24)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4224. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alpha Aviation Design Limited Model R2160 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–076)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4225. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB 2000 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–248)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4226. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation Model 390 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–043)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4227. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Airplanes and Model A310 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–259)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4228. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318–111 and A318–112 Airplanes and Model A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–169)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4229. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Production and Airworthiness Approvals, Part Marking, and Miscellaneous Proposals'' ((RIN2120–AI78)(Docket No. FAA–2006–25877)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4230. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Flightdeck Door Monitoring and Crew Discreet Alerting Systems'' ((RIN2120–AI16)(Docket No. FAA–2005–22449)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4231. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Inspection Authorization 2-year Renewal'' ((RIN2120–AI83) (Docket No. FAA–2007–27108)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4232. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Viking Air Limited Model DHC–7 Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–004)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4233. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–025)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4234. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300–600 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–008)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4235. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300–600R Series Airplanes; and Model A310–300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–067)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4236. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, –900, and –900ER Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–215)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4237. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Limited Model PC–6 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–074)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4238. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–198)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4239. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–10–10F and MD–10–30F Airplanes, Model MD–11 and MD–11F Airplanes, and Model 717–200 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–156)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4240. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–233)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4241. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2006–NM–292)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4242. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A321 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–019)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4243. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Limited Model 750XL Airplanes'' ((RIN2120–AA64) (Docket No. 2007–CE–055)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4244. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Boeing Model 747–100, –200B, –200C, and –200F Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–034)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4245. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lady Lake, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–15)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4246. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Live Oak, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–8)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4247. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Winfield, FL'' ((RIN2120–AA64) (Docket No. 07–ASO–13)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4248. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Gainesville, FL'' ((RIN2120–AA66) (Docket No. 07–ASO–14)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4249. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Forest Hill, MD'' ((RIN2120–AA64) (Docket No. 06–AEA–13)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4250. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class D and E Airspace; Utica, NY; Amendment of Class D and E Airspace; Rome, NY; Establishment of Class E Airspace; Rome, NY'' ((RIN2120–AA66) (Docket No. 07–AEA–3)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4251. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Kotzebue, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–07)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4252. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Fort Yukou, AK'' ((RIN2120–AA66) (Docket No. 07–AAL–06)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4253. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Columbus, GA'' ((RIN2120–AA66) (Docket No. 07–ASO–18)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4254. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Everett, WA'' ((RIN2120–AA66) (Docket No. 07–ANM–2)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4255. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hoquiam, WA'' ((RIN2120–AA66) (Docket No. 06–ANM–9)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4256. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Centreville, AL; Correction'' ((RIN2120–AA66) (Docket No. 07–AAL–7)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4257. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations; Incorporation by Reference'' ((RIN2120–AA66) (Docket No. 29334)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4258. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hailey, ID'' ((RIN2120–AA66) (Docket No. 07–ANM–8)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4259. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes; Model DC–9–81, –82, –83, and –87 Airplanes; and Model MD-88 Airplanes'' ((RIN2120–AA64) (Docket No. 2003–NM–198)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4260. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes'' ((RIN2120–AA64) (Docket No. 2003–NM–194)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4261. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 Series Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–077)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ Airplanes'' ((RIN2120–AA64) (Docket No. 2007–NM–018)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–068)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–200)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation, Ltd. Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–039)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model 717–200 Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–010)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80E1 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2007–NE–32)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–192)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–170)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piaggio Aero Industries S.p.A. Model P–180 Airplanes'' ((RIN2120–AA64)(Docket No . 2007–C–041)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT9D–7R4 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–38)) received on December 5, 2007; to the Committee on Commerce , Science, and Transportation.

EC–4272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Airbus Model A330 and A340 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–178)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF34–1A, –3A, –3A1, –3A2, –3B, and –3B1 Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2000–NE–42)) received on December 5 , 2007; to the Committee on Commerce, Science, and Transportation.

EC–4274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Enstrom Helicopter Corporation Model F–28A, F–28C, F–28F, TH–28, 280, 280C, 280F, 280FX, 480, and 480B Helicopters'' ((RIN2120–AA64)(Docket No. 2005–SW–07)) received on December 5, 2007; to the Committee on Commerce , Science, and Transportation.

EC–4275. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada PW535A Turbofan Engines; Correction'' ((RIN2120–AA64)(Docket No. 2006–NE–35)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4276. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–300, 747–400, 747–400D, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–159)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3240)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3239)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3237)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3238)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' ((RIN2120–AA65)(Amdt. No. 3236)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' ((RIN2120–AA63)(Amdt. No. 470)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Hulett, WY'' ((RIN2120–AA66) (Docket No. 07–ANM–9)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Jet Routes J–29 and J–101; South Central United States'' ((RIN2120–AA66) (Docket No. 07–ASW–1)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of the Phoenix Class B Airspace Area; Arizona'' ((RIN2120–AA66) (Docket No. 05–AWA–2)) received on December 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4286. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure of Quota Period 2 Fishery for Spiny Dogfish'' (RIN0648–XD92) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4287. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure of a New York 2007 Summer Flounder Commercial Fishery'' (RIN0648–XD45) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4288. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Inseason Bluefish Quota Transfer from VA to NY'' (RIN0648–XD65) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4289. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' (RIN0648–XD05) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4290. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Emergency Action to Lower the Haddock Minimum Size Limit to 18 Inches to Reduce Regulatory Discarding'' (RIN0648–AV75) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4291. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 5 regulations beginning with CGD09–07–119)'' (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4292. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Hawaii Superferry Arrival/Departure, Nawiliwili Harbor, Kauai, Hawaii'' (RIN1625–AA87) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4293. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone: Marine City Maritime Festival Fireworks, St. Clair River, Marine City, MI'' ((RIN1625–AA00) (CGD09–07–016)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4294. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Cumberland River, Clarksville, TN'' ((RIN1625–AA11)(CGD08–07–010)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4295. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone (including 2 regulations beginning with CGD14–07–001)'' (RIN1625–AA87) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4296. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; John H. Kerr Reservoir, Clarksville, VA'' ((RIN1625–AA08)(CGD05–07–045)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4297. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone (including 2 regulations beginning with COTP Western Alaska–07–003)'' (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4298. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Back River, Poquoson, VA'' ((RIN1625–AA08)(CGD05–07–060)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4299. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone'' ((RIN1625–AA00)(CGD05–07–088)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4300. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Morgan

City-Port Allen Alternate Route, Mile Marker 0.5 to Mile Marker 1.0, Bank to Bank'' (RIN1625–AA00) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4301. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Shipping; Technical, Organizational, and Conforming Amendments'' ((RIN1625–ZA14)(Docket No. USCG–2007–29018)) received on December 6, 2007; to the Committee on Commerce, Science, and Transportation.

EC–4302. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program for Consumer Products: Energy Conservation Standards for Residential Furnaces and Boilers'' (RIN1904–AA78) received on December 5, 2007; to the Committee on Energy and Natural Resources.

EC–4303. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Report on University Collaboration''; to the Committee on Energy and Natural Resources.

EC–4304. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to operations at the Naval Petroleum Reserves for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–4305. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetamiprid; Pesticide Tolerance'' (FRL No. 8340–6) received on December 6, 2007; to the Committee on Environment and Public Works.

EC–4306. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus Thuringiensis Vip3Aa20 Protein and the Genetic Material Necessary for Its Production in Corn; Extension of Temporary Exemption From the Requirement of a Tolerance'' (FRL No. 8340–5) received on December 6, 2007; to the Committee on Environment and Public Works.

EC–4307. A communication from the Deputy Assistant Secretary of Textiles and Apparel, Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Imports of Certain Cotton Shirting Fabric: Implementation of Tariff Rate Quota Established Under the Tax Relief and Health Care Act of 2006'' (RIN0625–AA74) received on December 6, 2007; to the Committee on Finance.

EC–4308. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employer-Owned Life Insurance'' ((RIN1545–BG58)(TD 9364)) received on December 6, 2007; to the Committee on Finance.

EC–4309. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2008 Annual Covered Compensation Tables'' (Rev. Rul. 2007–71) received on December 6, 2007; to the Committee on Finance.

EC–4310. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Cumulative List of Changes in Plan Qualification Requirements'' (Notice 2007–94) received on December 5, 2007; to the Committee on Finance.

EC–4311. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Model Amendments for Certain Section 403(b) Plans'' (Rev. Proc. 2007–71) received on December 5, 2007; to the Committee on Finance.

EC–4312. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement—Disqualified Corporate Interest Expense Disallowed Under Section 163(j)'' (Announcement 2007–114) received on December 5, 2007; to the Committee on Finance.

EC–4313. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice: Tier 2 Rates for 2008'' (26 U.S.C. 3241) received on December 5, 2007; to the Committee on Finance.

EC–4314. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Definition of Insurance Under Section 402(1) of the Code—Modification of Notice 2007–7'' (Notice 2007–99) received on December 4, 2007; to the Committee on Finance.

EC–4315. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Revisions to the Medicare Advantage and Part D Prescription Drug Contract Determinations, Appeals, and Intermediate Sanctions Processes'' (RIN0938–AO78) received on December 4, 2007; to the Committee on Finance.

EC–4316. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; Optional State Plan Case Management Services'' (RIN0938–AO50) received on December 4, 2007; to the Committee on Finance.

EC–4317. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Integrity Program; Limitation on Contractor Liability'' (RIN0938–AO88) received on December 4, 2007; to the Committee on Finance.

EC–4318. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Taiwan, Singapore, Canada, and the United Kingdom relative to the installation of two multi-source remote sensing satellite ground stations; to the Committee on Foreign Relations.

EC–4319. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received on December 6, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4320. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–4321. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Procedure for Designating Classes of Employees as Members of the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Act of 2002; Amendments'' (RIN0920–AA13) received on December 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–4322. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4323. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4324. A communication from the Executive Director, Marine Mammal Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4325. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, the organization's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4326. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4327. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Annual Financial Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4328. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reasonable Charges for Medical Care or Services'' (RIN2900–AM35) received on December 4, 2007; to the Committee on Veterans' Affairs.

EC–4329. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Presumptive Period for Compensation for Gulf War Veterans'' (RIN2900–AM47) received on December 3, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2445. An original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes (Rept. No. 110–240).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. KYL:

S. 2442. A bill to provide the Secretary of Agriculture with alternatives to comply with the Federal Property and Administrative Services Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ENSIGN (for himself and Mr. REID):

S. 2443. A bill to provide for the release of any revisionary interest of the United States in and to certain lands in Reno, Nevada; to the Committee on Energy and Natural Resources.

By Mrs. MURRAY (for herself, Mr. BINGAMAN, Mr. KERRY, Mr. KENNEDY, and Mr. DODD):

S. 2444. A bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN:

S. 2445. An original bill to provide for the flexibility of certain disaster relief funds, and for improved evacuation and sheltering during disasters and catastrophes; from the Committee on Homeland Security and Governmental Affairs; placed on the calendar.

By Mr. SCHUMER (for himself and Mr. HAGEL):

S. 2446. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 2447. A bill to make a technical correction to section 119 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2451. A bill to enhance public safety by improving the reintegration of youth offenders into the families and communities to which they are returning; to the Committee on the Judiciary.

By Mrs. DOLE:

S.J. Res. 27. A joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER):

S. Res. 400. A resolution to designate Friday, November 23, 2007, as ''Native American Heritage Day'' in honor of the achievements and contributions of Native Americans to the United States; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN, and Mr. HARKIN):

S. Res. 401. A resolution to provide Internet access to certain Congressional Research Service publications; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 469

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1107

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1164

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1164, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1394

At the request of Ms. STABENOW, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1394, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1910

At the request of Mr. CARDIN, his name was withdrawn as a cosponsor of S. 1910, a bill to amend the Internal Revenue Code of 1986 to provide that amounts derived from Federal grants and State matching funds in connection with revolving funds established in accordance with the Federal Water Pollution Control Act and the Safe Drinking Water Act will not be treated as proceeds or replacement proceeds for purposes of section 148 of such Code.

At the request of Mr. WYDEN, his name was withdrawn as a cosponsor of S. 1910, supra.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2020

At the request of Mr. LUGAR, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2020, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2007'', and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2051

At the request of Mr. CONRAD, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2140

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2213

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2213, a bill to amend title 18, United States Code, to improve prevention, investigation, and prosecution of cybercrime, and for other purposes.

S. 2257

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 2257, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 2257, supra.

S. 2347

At the request of Mr. OBAMA, the names of the Senator from Florida (Mr. NELSON), the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2347, a bill to restore and protect access to discount drug prices for university-based and safety-net clinics.

S. 2385

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2385, a bill to provide Federal Perkins Loan cancellation to fire fighters.

S. 2400

At the request of Mr. SESSIONS, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2400, a bill to amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated, and for other purposes.

S. 2425

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2425, a bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes.

S. 2431

At the request of Mr. BROWN, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2431, a bill to address emergency shortages in food banks.

S.J. RES. 22

At the request of Mr. BAUCUS, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to Medicare coverage for the use of erythropoiesis stimulating agents in cancer and related neoplastic conditions.

S. CON. RES. 53

At the request of Mr. ISAKSON, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. RES. 178

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 178, a resolution expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

S. RES. 398

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. Res. 398, a resolution honoring the life and recognizing the accomplishments of Joe Nuxhall, broadcaster for the Cincinnati Reds.

S. RES. 399

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 399, a resolution expressing the sense of the Senate that certain benchmarks must be met before certain restrictions against the Government of North Korea are lifted, and that the United States Government should not provide any financial assistance to North Korea until the Secretary of State makes certain certifications regarding the submission of applications for refugee status.

AMENDMENT NO. 3616

At the request of Mr. SALAZAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 3616 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3639

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Alaska (Mr. STEVENS), the Senator from Florida (Mr. NELSON), the Senator from Ohio (Mr. VOINOVICH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 3639 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3695

At the request of Mr. DORGAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Nebraska (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Montana (Mr. TESTER), the Senator from Illinois (Mr. OBAMA), the Senator from Nebraska (Mr. HAGEL), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 3695 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3814

At the request of Ms. STABENOW, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3814 intended to be proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

AMENDMENT NO. 3822

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 3822 proposed to H.R. 2419, a bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself, Mr. BAUCUS, Mr. TESTER, and Mr. BARRASSO):

S. 2448. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections; to the Committee on Energy and Natural Resources.

Mr. ENZI. Mr. President, I rise to introduce legislation that is of great importance to my State. Last year a bipartisan coalition of Senators came together to pass the Surface Mining Control and Reclamation Act Amendments of 2007. Since that time, some lawyers and bureaucrats in Washington have taken it upon themselves to misinterpret the law. We need to fix this. The legislation I am introducing will yet again reiterate congressional intent as to how the program should be run. The bill that passed as part of the Tax Relief and Health Care Act 2006, which was a part originally of the pension reform bill, fixed the abandoned mine land trust fund so it would run as Congress originally intended, which was some 30 years earlier. For the first time in years, States were scheduled to receive funding they were promised that would be used to clean up abandoned coal mines where that was needed.

For States that had been certified by the Office of Surface Mining as having completed their coal cleanup work, funding was expected to go to these States to do whatever the State legislators chose to be a priority for that State.

The language is simple and straightforward. It reads:

> Payments shall be made in 7 equal annual installments, beginning in fiscal year 2008.

As we passed the legislation, everyone involved knew what that meant. For years, our State's money has been held hostage to pay for other programs. With the passage of the abandoned mine land bill, the money would flow with no strings attached and no diversions to other programs. Congressional intent was very clear. Unfortunately, last week I was told by lawyers and bureaucrats at the Department of Interior that they have decided to ignore the congressional intent and have chosen to send the money to States such as Wyoming in the form of grants. It seems they don't have enough Federal employees because their plan will create an onerous program that will undoubtedly require more hires.

As one of the lead Senators in passing the original legislation, I know what Congress meant when we wrote:

> Payments shall be made in 7 equal and annual installments, beginning in fiscal year 2008.

To ensure that no confusion existed, I met with the Office of Surface Mining and with the Office of Management and Budget on numerous occasions to discuss that particular issue. Congress intended for payments to be made. Congress did not expect the agency to create a new grant program. When I realized this egregious misinterpretation of the law was a possibility, I took immediate action. I asked those same lawyers and bureaucrats who did not read the law to provide me with the legislative language that makes it explicitly clear that they should interpret the law the way Congress intended.

That is the bill I am introducing today with my colleague from Montana and the other Senator from Wyoming. Only in the absurd world that is Washington could an agency believe the word ''payment'' means grant. I look forward to working with my colleagues to swiftly move this forward so the executive branch can finally follow what Congress intended.

I have to tell my colleagues it was quite a shock to find out a whole program was going to be set up so Wyoming could ask for its money piecemeal. We have been begging for 30 years to get this money. The money has been paid in by the coal companies to cover reclamation and then anything that had to do with coal impact. We did the reclamation. We are now handling the coal impact. But the money has been held hostage; $550 million worth of money has been held over that period.

Last year Congress said: Wyoming and Montana—Montana has $58 million—deserve their money. So do several other States. We will give it to them.

Now there was a little question about what that did with debt, but we were able to show them that paying off debt with debt wound up with the same amount of debt but wasn't stealing from the States. So we were able to get that confirmed by this body and put into law. It said we would be paid in seven equal annual payments, beginning in the year 2008. Now we find out it could be millions of payments over a number of years under a grant program. They do realize they can't deny any grant request the State has, but each and every transaction would have to go through somebody. We are not about to hire that many people to do what is explicit in the language.

I will ask the rest of my colleagues to help us on this amendment. We will find a place to put it, and we will get it done this year so the intent of the law we passed last year will get done.

By Mr. KOHL (for himself and Mr. LEAHY):

S. 2449. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2007, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in product liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The injured party often faces a large corporation that can spend an unlimited amount of money defending the lawsuit and prolong its resolution. Facing a formidable opponent and mounting medical bills, plaintiffs often have no choice but to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

Plaintiffs get a respectable award, and the defendant is able to keep damaging information from getting out. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

This concern for excessive secrecy is warranted by the fact that tobacco companies, automobile manufacturers, and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American people. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. This legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used for the sole purpose of hiding damaging information from the public to protect a company's reputation or profit margin.

One of the most famous cases of abuse involved Bridgestone/Firestone tires. From 1992–2000, tread separations of various Bridgestone and Firestone tires were causing accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late. More than 250 people had died, and more than 800 were injured as a result of the defective tires.

If the story ended there, and the Bridgestone/Firestone cases were just

an aberration, one might argue that there is no urgent need for legislation. But, unfortunately, the list goes on. There is the case of General Motors. Although an internal memo demonstrated that GM was aware of the risk of fire deaths from crashes of pick-up trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Evidence suggests that the dangers posed by protective orders and secret settlements continue. On December 11, 2007, at a hearing before the Senate Judiciary Committee Subcommittee on Antitrust, Competition Policy and Consumer Rights, Johnny Bradley, Jr. described his tragic personal story about the implications of court-endorsed secrecy. In 2002, Mr. Bradley's wife was killed in a rollover accident allegedly caused by tread separation in his Cooper tires. While litigating the case, his attorney uncovered documented evidence of Cooper tire design defects. Through aggressive litigation of protective orders and confidential settlements in cases prior to the Bradleys' accident, Cooper had managed to keep the documents confidential. Prior to the end of Mr. Bradley's trial, Cooper Tires settled with him on the condition that almost all litigation documents would be kept confidential under a broad protective order. With no access to documented evidence of design defects, consumers will continue to remain in the dark.

In 2005, the drug company Eli Lilly settled 8,000 cases related to harmful side effects of its drug Zyprexa. All of those settlements required plaintiffs to agree, ''not to communicate, publish or cause to be published. . .any statement. . .concerning the specific events, facts or circumstances giving rise to [their] claims.'' In that case, the plaintiffs uncovered documents that showed that, through its own research, Lilly knew about the side effects as early as 1999. While the plaintiffs kept quiet, Lilly continued to sell Zyprexa and generated $4.2 billion in sales that year. More than a year later, information about the case was leaked to the New York Times and another 18,000 cases settled. Had the first settlement not included a secrecy agreement, consumers would have been able to make informed choices and avoid the harmful side effects, including enormous weight gain, dangerously elevated blood sugar levels and diabetes.

There are no records kept of the number of confidentiality orders accepted by State or Federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone, Cooper Tires, and Zyprexa, secrecy agreements had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products and drugs to remain on the market. And those are only the ones we know about.

While some States have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety.

Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine—by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

I urge my colleagues to support this important legislation.

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

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

S. 2449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sunshine in Litigation Act of 2007''.

SEC. 2. RESTRICTIONS ON PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following:

''§ 1660. Restrictions on protective orders and sealing of cases and settlements

''(a)(1) A court shall not enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery, an order approving a settlement agreement that would restrict the disclosure of such information, or an order restricting access to court records in a civil case unless the court has made findings of fact that—

''(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

''(B)(i) the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

''(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

''(2) No order entered in accordance with paragraph (1), other than an order approving a settlement agreement, shall continue in effect after the entry of final judgment, unless at the time of, or after, such entry the court makes a separate finding of fact that the requirements of paragraph (1) have been met.

''(3) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

''(4) This section shall apply even if an order under paragraph (1) is requested—

''(A) by motion pursuant to rule 26(c) of the Federal Rules of Civil Procedure; or

''(B) by application pursuant to the stipulation of the parties.

''(5)(A) The provisions of this section shall not constitute grounds for the withholding of information in discovery that is otherwise discoverable under rule 26 of the Federal Rules of Civil Procedure.

''(B) No party shall request, as a condition for the production of discovery, that another party stipulate to an order that would violate this section.

''(b)(1) A court shall not approve or enforce any provision of an agreement between or among parties to a civil action, or approve or enforce an order subject to subsection (a)(1), that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

''(2) Any such information disclosed to a Federal or State agency shall be confidential to the extent provided by law.

''(c)(1) Subject to paragraph (2), a court shall not enforce any provision of a settlement agreement between or among parties that prohibits 1 or more parties from—

''(A) disclosing that a settlement was reached or the terms of such settlement, other than the amount of money paid; or

''(B) discussing a case, or evidence produced in the case, that involves matters related to public health or safety.

''(2) Paragraph (1) does not apply if the court has made findings of fact that the public interest in the disclosure of potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1659 the following:

''1660. Restrictions on protective orders and sealing of cases and settlements''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall—

(1) take effect 30 days after the date of enactment of this Act; and

(2) apply only to orders entered in civil actions or agreements entered into on or after such date.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2450. A bill to amend the Federal Rules of Evidence to address the waiver of the attorney-client privilege and the work product doctrine; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I introduce legislation to create Federal Rule of Evidence 502. I am pleased that Senator SPECTER has joined me in this

effort. After much study, several hearings, and significant public comment, the Judicial Conference's Standing Committee on Rules of Practice and Procedure, and the Advisory Committee on Evidence Rules, arrived at a proposed new rule that is intended to provide predictability and uniformity in a discovery process that has been made increasingly difficult with the growing use of email and other electronic media. I commend all of the judges, professors and practitioners who were involved in the rule's drafting and subsequent improvement for their hard work and attention to this issue. The legislation we are introducing today contains the text that the Judicial Conference recommends.

Billions of dollars are spent each year in litigation to protect against the inadvertent disclosure of privileged materials. With the routine use of email and other electronic media in today's business environment, discovery can encompass millions of documents in a given case, vastly expanding the risks of inadvertent disclosure. The rule proposed by the Standing Committee is aimed at adapting to the new realities that accompany today's modes of communication, and reducing the burdens associated with the conduct of diligent electronic discovery.

Our proposed legislation would set clear guidelines regarding the consequences of inadvertent disclosure of privileged material, and provides that so long as reasonable steps are taken in the prevention of such a disclosure, or to assure the prompt retrieval of disclosed information, no waiver will result. Moreover, an inadvertent disclosure of privileged information would not result in a broader subject matter waiver beyond the specific materials disclosed.

If a disclosure of privileged material is made voluntarily, only the privilege associated with the voluntarily disclosed material is waived, and not other undisclosed related materials. But if voluntary disclosure of privileged material is done selectively in an effort to mislead or gain unfair advantage, then where fairness dictates, this will result in a subject matter waiver.

This legislation would also provide that confidentiality agreements entered into by parties to litigation, and approved by the court, will bind all non-parties in other State or Federal litigation. This provision will add meaningful protection to parties entering confidentiality agreements and, along with other components of the proposed rule, will aid in reducing the burdens of excessive pre-production document review.

Unlike other Federal court rules, any proposed rule that modifies an evidentiary privilege must be approved by Congress pursuant to the Rules Enabling Act. The modification of a privilege is an undertaking not to be approached lightly, and the process that resulted in proposed Rule 502 was thorough and thoughtful. It has resulted in widespread approval of the proposed rule from the bench and bar at both the State and Federal level.

I urge all Senators to join Senator SPECTER and me to pass this proposal and take a positive step toward modernizing and improving the Federal Rules of Evidence.

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

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

S. 2450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT; LIMITATIONS ON WAIVER.

(a) IN GENERAL.—Article V of the Federal Rules of Evidence is amended by adding at the end the following:

"Rule 502. Attorney-Client Privilege and Work Product; Limitations on Waiver

''The following provisions apply, in the circumstances set out, to disclosure of a communication or information covered by the attorney-client privilege or work-product protection.

''(a) DISCLOSURE MADE IN A FEDERAL PROCEEDING OR TO A FEDERAL OFFICE OR AGENCY; SCOPE OF A WAIVER.—When the disclosure is made in a federal proceeding or to a federal office or agency and waives the attorney-client privilege or work-product protection, the waiver extends to an undisclosed communication or information in a federal or state proceeding only if:

''(1) the waiver is intentional;

''(2) the disclosed and undisclosed communications or information concern the same subject matter; and

''(3) they ought in fairness to be considered together.

''(b) INADVERTENT DISCLOSURE.—When made in a federal proceeding or to a federal office or agency, the disclosure does not operate as a waiver in a federal or state proceeding if:

''(1) the disclosure is inadvertent;

''(2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and

''(3) the holder promptly took reasonable steps to rectify the error, including (if applicable) following Federal Rule of Civil Procedure 26(b)(5)(B).

''(c) DISCLOSURE MADE IN A STATE PROCEEDING.—When the disclosure is made in a state proceeding and is not the subject of a state-court order concerning waiver, the disclosure does not operate as a waiver in a federal proceeding if the disclosure:

''(1) would not be a waiver under this rule if it had been made in a federal proceeding; or

''(2) is not a waiver under the law of the state where the disclosure occurred.

''(d) CONTROLLING EFFECT OF A COURT ORDER.—A federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court—in which event the disclosure is also not a waiver in any other federal or state proceeding.

''(e) CONTROLLING EFFECT OF A PARTY AGREEMENT.—An agreement on the effect of disclosure in a federal proceeding is binding only on the parties to the agreement, unless it is incorporated into a court order.

''(f) CONTROLLING EFFECT OF THIS RULE.—Notwithstanding Rules 101 and 1101, this rule applies to state proceedings and to federal court-annexed and federal court-mandated arbitration proceedings, in the circumstances set out in the rule. And notwithstanding Rule 501, this rule applies even if state law provides the rule of decision.

''(g) DEFINITIONS.—In this rule:

''(1) 'attorney-client privilege' means the protection that applicable law provides for confidential attorney-client communications; and

''(2) 'work-product protection' means the protection that applicable law provides for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.''.

(b) TECHNICAL AND CONFORMING CHANGES.—The table of contents for the Federal Rules of Evidence is amended by inserting after the item relating to rule 501 the following:

''502. Attorney-client privilege and work-product doctrine; limitations on waiver.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply in all proceedings commenced after the date of enactment of this Act and, insofar as is just and practicable, in all proceedings pending on such date of enactment.

Mr. SPECTER. Mr. President, I seek recognition today to introduce legislation, together with Senator LEAHY, to enact Federal Rule of Evidence 502.

Federal Rule of Evidence 502, which was drafted and proposed to Congress by the Judicial Conference of the United States, is a rule to provide heightened protection against inadvertent loss of the attorney-client privilege during the discovery process. At a time when litigation costs are skyrocketing and discovery alone can last for years, this rule is urgently needed. And unlike other Federal rules of procedure, which go into effect unless Congress acts, rules governing evidentiary privilege must be enacted by Congress.

Current law on attorney-client privilege and work product is responsible in large part for the rising costs of discovery—especially electronic discovery. Right now, it is far too easy to inadvertently lose—or ''waive''—the privilege. A single inadvertently disclosed document can result in waiving the privilege not only as to what was produced, but as to all documents on the same subject matter. In some courts, a waiver may be found even if the producing party took reasonable steps to avoid disclosure. Such waivers will not just affect the case in which the accidental disclosure is made, but will also impact other cases filed subsequently in State or Federal courts.

Thus, lawyers must spend significant amounts of time ensuring that documents containing privileged communications and work product are not inadvertently produced. In this day and age when there can be literally millions of electronic files to comb through looking for privileged material, the risk of one slipping through the cracks is very high. The fear of waiver leads to undue expense and to extravagant claims of privilege.

The proposed rule will alleviate these burdens in two primary ways: First, it

protects against undue forfeiture of attorney-client privilege and work product protections when privileged communications are inadvertently produced in discovery—where the party producing the documents took reasonable steps to prevent the disclosure and does not try to use the disclosed information in a misleading way. Second, it permits parties and courts to protect against the consequences of waiver by permitting limited disclosure of privileged information between the parties to litigation. This allows parties and courts to manage the effects of disclosure and provide predictability in current and future litigation.

The proposed rule enjoys wide support from parties on both sides of the ''v.'' Both plaintiffs and defendants want this rule because it makes the litigation more efficient and less costly; it ensures that the wheels of justice will not become bogged down in the mud of discovery.

The Judicial Conference, which is the body responsible for proposing new procedural rules, has undertaken an extensive process in crafting this rule over the last year and a half. The rule was approved by the Judicial Conference's Advisory Committee on Evidence Rules, the Standing Committee on Rules of Practice and Procedure, and the Judicial Conference itself, after a public comment period that included several hearings with supportive comments and testimony from bench and bar. There were more than 70 public comments, and more than 20 witnesses testified.

The time is ripe to move forward and enact this proposed rule into law. Therefore, I have worked with Senator LEAHY to bring this bill to the floor in a timely and bipartisan fashion. This rule is necessary to protect the attorney-client privilege, to bring clarity to the law, and to ensure fairness for all parties. And every day we wait wastes the time and resources of litigants and the courts. I urge my colleagues to join with Senator LEAHY and me in supporting this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—TO DESIGNATE FRIDAY, NOVEMBER 23, 2007, AS ''NATIVE AMERICAN HERITAGE DAY'' IN HONOR OF THE ACHIEVEMENTS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. INOUYE (for himself, Mr. BROWNBACK, Mr. DORGAN, Mr. BINGAMAN, Mrs. CLINTON, Ms. CANTWELL, Mr. COCHRAN, Mr. JOHNSON, Mr. CONRAD, Mr. DOMENICI, Mr. AKAKA, Mrs. BOXER, Mrs. FEINSTEIN, Mr. STEVENS, Mr. BAUCUS, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 400

Whereas Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

Whereas Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

Whereas Native American tribal governments developed the fundamental principles of freedom of speech and separation of governmental powers that were a model for those that form the foundation of the United States Constitution;

Whereas the Founding Fathers based the provisions of the Constitution on the unique system of democracy of the Six Nations of the Iroquois Confederacy, which divided powers among the branches of government and provided for a system of checks and balances;

Whereas Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

Whereas nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

Whereas designation of the Friday following Thanksgiving as Native American Heritage Day will underscore the government-to-government relationship between the United States and Native American governments; and

Whereas designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation: Now, therefore, be it

Resolved, that the Senate—

(1) designates Friday, November 23, 2007, as ''Native American Heritage Day''; and

(2) encourages the people of the United States, as well as Federal, State, and local governments and interested groups and organizations to observe Native American Heritage Day with appropriate programs, ceremonies, and activities, including activities related to—

(A) the historical and constitutional status of Native American tribal governments as well as the present day status of Native Americans;

(B) the cultures, traditions, and languages of Native Americans; and

(C) the rich Native American cultural legacy that all Americans enjoy today.

SENATE RESOLUTION 401—TO PROVIDE INTERNET ACCESS TO CERTAIN CONGRESSIONAL RESEARCH SERVICE PUBLICATIONS

Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. LEAHY, Mr. CORNYN and Mr. HARKIN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 401

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF INFORMATION.

The Sergeant-at-Arms of the Senate shall make information available to the public in accordance with the provisions of this resolution.

SEC. 2. AVAILABILITY OF CERTAIN CONGRESSIONAL RESEARCH SERVICE INFORMATION.

(a) AVAILABILITY OF INFORMATION.—

(1) IN GENERAL.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make available through a centralized electronic system, for purposes of access and retrieval by the public under section 3 of this resolution, all information described in paragraph (2) that is available through the Congressional Research Service website.

(2) INFORMATION TO BE MADE AVAILABLE.—The information to be made available under paragraph (1) is the following:

(A) Congressional Research Service Issue Briefs.

(B) Congressional Research Service Reports that are available to Members of Congress through the Congressional Research Service website.

(C) Congressional Research Service Authorization of Appropriations Products and Appropriations Products.

(b) LIMITATIONS.—

(1) CONFIDENTIAL INFORMATION.—Subsection (a) does not apply to—

(A) any information that is confidential, as determined by—

(i) the Director of the Congressional Research Service; or

(ii) the head of a Federal department or agency that provided the information to the Congressional Research Service; or

(B) any documents that are the product of an individual, office, or committee research request (other than a document described in subsection (a)(2)).

(2) REDACTION AND REVISION.—In carrying out this section, the Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, may—

(A) remove from the information required to be made available under subsection (a) the name and phone number of, and any other information regarding, an employee of the Congressional Research Service;

(B) remove from the information required to be made available under subsection (a) any material for which the Director of the Congressional Research Service, determines that making that material available under subsection (a) may infringe the copyright of a work protected under title 17, United States Code; and

(C) make any changes in the information required to be made available under subsection (a) that the Director of the Congressional Research Service, determines necessary to ensure that the information is accurate and current.

(c) MANNER.—The Sergeant-at-Arms of the Senate, in consultation with the Director of the Congressional Research Service, shall make the information required under this section available in a manner that is practical and reasonable.

SEC. 3. METHOD OF ACCESS.

(a) CRS INFORMATION.—Public access to Congressional Research Service information made available under section 2 shall be provided through the websites maintained by Members and Committees of the Senate.

(b) EDITORIAL RESPONSIBILITY FOR CRS REPORTS ONLINE.—The Sergeant-at-Arms of the Senate is responsible for maintaining and updating the information made available on the Internet under section 2.

SEC. 4. IMPLEMENTATION.

The Sergeant-at-Arms of the Senate shall establish the database described in section 2(a) within 6 months after the date of adoption of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3824. Ms. STABENOW (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table.

SA 3825. Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3826. Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3827. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3828. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3829. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 3830. Mr. HARKIN (for himself, Mr. KENNEDY, and Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, supra.

SA 3831. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs.

TEXT OF AMENDMENTS

SA 3824. Ms. STABENOW (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 11072. DEBT FOR CONSERVATION PROGRAM.

Section 349 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1997) is amended—

(1) by striking ''SEC. 349. (a) For purposes of this section:'' and inserting the following:

''SEC. 349. DEBT FOR CONSERVATION PROGRAM.

''(a) DEFINITIONS.—In this section:'';

(2) in subsection (a)(4), by inserting '', fishing, and wildlife viewing'' after ''includes hunting'';

(3) in subsection (c)—

(A) in the heading, by striking ''LIMITATIONS'' and inserting ''ELIGIBILITY''; and

(B) by striking paragraph (1) and inserting the following:

''(1) such property—

''(A) is wetland, upland, or highly erodible land; or

''(B) subject to the availability of appropriated funds, will be enrolled in—

''(i) the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.);

''(ii) the grassland reserve program established under subchapter C of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.); or

''(iii) the healthy forests reserve program established under subchapter D of chapter 1 of subtitle D of title XII of the Food Security Act of 1985;'';

(4) in subsection (e)(2), by striking subparagraph (B) and inserting the following:

''(B) in the case of a nondelinquent loan—

''(i) 33 percent of the amount of the loan secured by the land; or

''(ii) if the loan is secured by an easement on the land, 50 percent of the amount of the outstanding loan.'';

(5) by redesignating subsections (f) and (g) as (g) and (h), respectively;

(6) by inserting after subsection (e) the following:

''(f) LIMITATIONS; EFFECT.—

''(1) REDUCTION OF PAYMENT.—If a landowner receives payments in accordance with a program described in subsection (c)(1)(B), such payment shall be reduced by the amount of the debt reduced or forgiven by the Secretary in accordance with the program under this section.

''(2) EFFECT WITH RESPECT TO CERTAIN PROGRAMS.—Landowners in the program under this section shall be considered by the Secretary as other enrollees for each program described in subsection (c)(1)(B).''; and

(7) by adding at the end the following:

''(h) REGULATIONS.—As soon as practicable after the date of enactment of this subsection, the Secretary shall promulgate regulations to ensure communication between the Administrator of the Farm Service Agency and the Chief of the Natural Resources Conservation Service to promote and carry out the program under this section.''.

SA 3825. Mr. GREGG proposed an amendment to amendment SA 3673 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

At the end of the amendment, add the following:

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

SA 3826. Mr. SANDERS proposed an amendment to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle A—Low-Income Home Energy Assistance

SEC. 12101. LOW-INCOME HOME ENERGY ASSISTANCE APPROPRIATIONS.

(a) IN GENERAL.—In addition to any amounts appropriated under any other Federal law, there is appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2008—

(1) $462,000,000 (to remain available until expended) for making payments under subsections (a) through (d) of section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623); and

(2) $462,000,000 (to remain available until expended) for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), notwithstanding the designation requirement of section 2602(e) of such Act (42 U.S.C. 8621(e)).

(b) EMERGENCY REQUIREMENT.—The amount provided under this section is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SEC. 12102. SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

''TITLE IX—SUPPLEMENTAL AGRICULTURE DISASTER ASSISTANCE

''SEC. 901. PERMANENT AUTHORITY FOR SUPPLEMENTAL REVENUE ASSISTANCE.

''(a) DEFINITIONS.—In this section:

''(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

''(2) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

''(3) DISASTER COUNTY.—

''(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

''(B) INCLUSION.—The term 'disaster county' includes—

''(i) a county contiguous to a county described in subparagraph (A); and

''(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

''(4) ELIGIBLE PRODUCER ON A FARM.—

''(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

''(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

''(i) a citizen of the United States;

''(ii) a resident alien;

''(iii) a partnership of citizens of the United States; or

''(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

''(5) FARM.—

''(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that —

''(i) is used for grazing by the eligible producer; or

''(ii) is planted or intended to be planted for harvest by the eligible producer.

''(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

''(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

''(6) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species (including any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant) that is propagated and reared in a controlled or semicontrolled environment.

''(7) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

''(8) LIVESTOCK.—The term 'livestock' includes—

''(A) cattle (including dairy cattle);

''(B) bison;

''(C) poultry;

''(D) sheep;

''(E) swine;

''(F) horses; and

''(G) other livestock, as determined by the Secretary.

''(9) MOVING 5-YEAR OLYMPIC AVERAGE COUNTY YIELD.—The term 'moving 5-year Olympic average county yield' means the weighted average yield obtained from the 5 most recent years of yield data provided by the National Agriculture Statistics Service obtained from data after dropping the highest and the lowest yields.

''(10) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

''(11) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

''(12) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(14) STATE.—The term 'State' means—

''(A) a State;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico; and

''(D) any other territory or possession of the United States.

''(15) TRUST FUND.—The term 'Trust Fund' means the Agriculture Disaster Relief Trust Fund established under section 902.

''(16) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

''(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

''(2) AMOUNT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 52 percent of the difference between—

''(i) the disaster assistance program guarantee, as described in paragraph (3); and

''(ii) the total farm revenue for a farm, as described in paragraph (4).

''(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

''(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

''(i) for each insurable commodity on the farm, the product obtained by multiplying—

''(I) the greatest of—

''(aa) the actual production history yield;

''(bb) 90 percent of the moving 5-year Olympic average county yield; and

''(cc) the counter-cyclical program payment yield for each crop;

''(II) the percentage of the crop insurance yield guarantee;

''(III) the percentage of crop insurance price elected by the eligible producer;

''(IV) the crop insurance price; and

''(V) 115 percent; and

''(ii) for each noninsurable commodity on a farm, the product obtained by multiplying—

''(I) the weighted noninsured crop assistance program yield guarantee;

''(II) except as provided in subparagraph (B), 100 percent of the noninsured crop assistance program established price; and

''(III) 115 percent.

''(B) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—Beginning on the date that the Secretary makes available supplemental buy-up coverage under the noninsured assistance program in accordance with subsection (h), the percentage described in subclause (II) of subparagraph (A)(ii) shall be equal to the percentage of the noninsured assistance program price guarantee elected by the producer.

''(C) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

''(D) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of prevented harvesting, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

''(E) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

''(F) PUBLIC MANAGED LAND.—Notwithstanding subparagraph (A), if rangeland is managed by a Federal agency and the carrying capacity of the managed rangeland is reduced as a result of a disaster in the preceding year that was the basis for a qualifying natural disaster declaration—

''(i) the calculation for the supplemental assistance program guarantee determined under subparagraph (A) as the guarantee applies to the managed rangeland shall be not less than 75 percent of the guarantee for the preceding year; and

''(ii) the requirement for a designation by the Secretary for the current year is waived.

''(4) FARM REVENUE.—

''(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

''(i) the estimated actual value for grazing and for each crop produced on a farm by using the product obtained by multiplying—

''(I) the actual crop acreage grazed or harvested by an eligible producer on a farm;

''(II) the estimated actual yield of the grazing land or crop production; and

''(III) subject to subparagraphs (B) and (C), the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located;

''(ii) 20 percent of amount of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7913) or of any fixed direct payments made at the election of the producer in lieu of that section or a subsequent section;

''(iii) the amount of payments for prevented planting on a farm;

''(iv) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm, including indemnities for grazing losses;

''(v) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm, including grazing losses; and

''(vi) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

''(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

''(i) to reflect the average quality discounts applied to the local or regional market price of a crop, hay, or forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

''(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

''(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the average market price received or value of the production during the first 5 months of the marketing year for the county in which the farm or portion of a farm is located shall be an amount not more than 100 percent of the price of the crop established

under the noninsured crop assistance program.

''(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

''(A) the expected value of grazing;

''(B) the product obtained by multiplying—

''(i) the greatest of—

''(I) the actual production history yield of the eligible producer on a farm;

''(II) the moving 5-year Olympic average county yield; and

''(III) the counter-cyclical program payment yield;

''(ii) the acreage planted or intended to be planted for each crop; and

''(iii) 100 percent of the insurance price guarantee; and

''(C) the product obtained by multiplying—

''(i) 100 percent of the noninsured crop assistance program yield; and

''(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

''(c) LIVESTOCK INDEMNITY PAYMENTS.—

''(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

''(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

''(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

''(1) IN GENERAL.—The Secretary shall use up to $35,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to adverse weather or other environmental conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under the authority of the Secretary to make qualifying natural disaster declarations.

''(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

''(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection and not used in a crop year shall remain available until expended.

''(e) TREE ASSISTANCE PROGRAM.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that—

''(i) produces annual crops from trees for commercial purposes; or

''(ii) produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale.

''(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

''(C) TREE.—The term 'tree' includes a tree, bush, and vine.

''(2) ELIGIBILITY.—

''(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance under paragraph (3) to eligible orchardists that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary.

''(B) LIMITATION.—An eligible orchardist shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

''(3) ASSISTANCE.—The assistance provided by the Secretary to eligible orchardists for losses described in paragraph (2) shall consist of—

''(A)(i) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

''(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

''(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

''(f) PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.—

''(1) DEFINITIONS.—In this subsection:

''(A) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

''(i) the plant pests become established; or

''(ii) the plant pest infestations become too large and costly to eradicate or control.

''(B) PLANT PEST.—The term 'plant pest' has the meaning given such term in section 403 of the Plant Protection Act (7 U.S.C. 7702).

''(C) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465).

''(D) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

''(2) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

''(A) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

''(B) CONSULTATION.—In carrying out this paragraph, the Secretary shall consult with—

''(i) the National Plant Board;

''(ii) the National Association of State Departments of Agriculture; and

''(iii) stakeholders.

''(C) FUNDS UNDER AGREEMENTS.—Each State department of agriculture with which the Secretary enters into a cooperative agreement under this paragraph shall receive funding for each of fiscal years 2008 through 2012 in an amount to be determined by the Secretary.

''(D) USE OF FUNDS.—

''(i) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this paragraph shall use the funds to carry out early plant pest detection and surveillance activities to prevent the introduction of a plant pest or facilitate the eradication of a plant pest, pursuant to a cooperative agreement.

''(ii) SUBAGREEMENTS.—Nothing in this paragraph prevents a State department of agriculture from using funds received under subparagraph (C) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

''(iii) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

''(E) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

''(i) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests; and

''(ii) the early plant pest detection and surveillance activities supported with the funds will likely—

''(I) prevent the introduction and establishment of plant pests; and

''(II) provide a comprehensive approach to compliment Federal detection efforts.

''(F) REPORTING REQUIREMENT.—Not later than 180 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this subsection, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

''(3) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

''(A) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service (referred to in this section as the 'Secretary'), shall establish a threat identification and mitigation program to determine and prioritize foreign threats to the domestic production of crops.

''(B) REQUIREMENTS.—In conducting the program established under subparagraph (A), the Secretary shall—

''(i) consult with the Director of the Center for Plant Health Science and Technology;

''(ii) conduct, in partnership with States, early plant pest detection and surveillance activities;

''(iii) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

''(iv) collaborate with the National Plant Board on the matters described in subparagraph (C);

''(v) implement action plans developed under subparagraph (C)(ii)(I) immediately after development of the action plans—

''(I) to test the effectiveness of the action plans; and

''(II) to assist in preventing the introduction and widespread dissemination of new foreign and domestic plant pest and disease threats in the United States; and

''(vi) as appropriate, consult with, and use the expertise of, the Administrator of the Agricultural Research Service in the development of plant pest and disease detection, control, and eradication strategies.

''(C) MATTERS DESCRIBED.—The matters described in this subparagraph are—

''(i) the prioritization of foreign threats to the agricultural industry; and

''(ii) the development, in consultation with State departments of agriculture and other State or regional resource partnerships, of—

''(I) action plans that effectively address the foreign threats, including pathway analysis, offshore mitigation measures, and comprehensive exclusion measures at ports of entry and other key distribution centers; and

''(II) strategies to employ if a foreign plant pest or disease is introduced;

''(D) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall update and submit to Congress the priority list and action plans described in subparagraph (C), including an accounting of funds expended on the action plans.

''(4) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

''(A) audit-based certification systems, such as best management practices—

''(i) to address plant pests; and

''(ii) to mitigate the risk of plant pests in the movement of plants and plant products; and

''(B) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

''(i) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

''(ii) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

''(iii) to reduce the risk of, mitigate, and eradicate those plant pests and diseases.

''(5) FUNDING.—The Secretary shall use from the Trust Fund to carry out this subsection—

''(A) $10,000,000 for fiscal year 2008;

''(B) $25,000,000 for fiscal year 2009;

''(C) $40,000,000 for fiscal year 2010;

''(D) $50,000,000 for fiscal year 2011; and

''(E) $64,000,000 for fiscal year 2012.

''(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the eligible producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the eligible producers on the farm—

''(A) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the crop incurring the losses; or

''(B) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under the noninsured crop assistance program for the crop incurring the losses.

''(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

''(3) WAIVER.—With respect to eligible producers that are limited resource, minority, or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

''(A) waive paragraph (1); and

''(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

''(4) EQUITABLE RELIEF.—The Secretary may provide equitable relief to eligible producers on a farm that unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

''(h) SUPPLEMENTAL BUY-UP NONINSURED ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a program under which eligible producers on a farm may purchase under the noninsured crop assistance program additional yield and price coverage for a crop, including a forage, hay, or honey crop, of—

''(A) 60 or 65 percent (as elected by the producers on the farm) of the yield established for the crop under the program; and

''(B) 100 percent of the price established for the crop under the program.

''(2) FEES.—The Secretary shall establish and collect fees from eligible producers on a farm participating in the program established under paragraph (1) to offset all of the costs of the program, as determined by the Secretary.

''(i) PAYMENT LIMITATIONS.—

''(1) IN GENERAL.—The total amount of disaster assistance that an eligible producer on a farm may receive under this section may not exceed $100,000.

''(2) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a or any successor provision) shall apply with respect to assistance provided under this section.

''(j) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2012, as determined by the Secretary.

''SEC. 902. AGRICULTURE DISASTER RELIEF TRUST FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agriculture Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

''(b) TRANSFER TO TRUST FUND.—

''(1) IN GENERAL.—There are appropriated to the Agriculture Disaster Relief Trust Fund amounts equivalent to 3.34 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2012 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

''(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agriculture Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(c) ADMINISTRATION.—

''(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agriculture Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 5 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

''(2) INVESTMENT.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agriculture Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

''(i) on original issue at the issue price, or

''(ii) by purchase of outstanding obligations at the market price.

''(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agriculture Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agriculture Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

''(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agriculture Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901.

''(e) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agriculture Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—Advances made to the Agriculture Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

''(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

''(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

''(ii) compounded annually.''.

(b) TECHNICAL PROVISIONS RELATING TO THE PLANT PROTECTION ACT.—

(1) Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking ''of longer than 60 days''.

(2) Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SA 3827. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3822 proposed by Mr. THUNE (for Mr. GREGG) to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 12103. EMERGENCY SERVICE ROUTE.

Section 1948 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1514) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Notwithstanding''; and

(2) by adding at the end the following:

''(b) EFFECTIVE DATE.—This section takes effect if and only on the date on which the Secretary of Energy certifies to Congress that the section will not negatively impact the supply or availability of heating fuel, or increase the cost of heating fuel, for consumers in the Northeastern United States

during the 10-year period beginning on the date of the certification.''.

SA 3828. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3674 proposed by Mr. GREGG to the amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

SEC. _____. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a residential property casualty loss resulting from Hurricane Katrina or Hurricane Rita and in a subsequent taxable year receives a grant as reimbursement for such loss from the State of Louisiana or the State of Mississippi, such taxpayer may file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. Any increase in Federal income tax resulting from such disallowance shall not be subject to any penalty or interest under such Code if such tax is paid not later than 1 year after the filing of such amended return.

SA 3829. Mr. REID (for Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 868, between lines 15 and 16, insert the following:

SEC. 6_____. COMPREHENSIVE RURAL BROADBAND.

(a) COMPREHENSIVE RURAL BROADBAND STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to the Committees on Energy and Commerce and Agriculture of the House of Representatives and the Committees on Commerce, Science, and Transportation and Agriculture, Nutrition, and Forestry of the Senate a report describing a comprehensive rural broadband strategy that includes—

(A) recommendations—

(i) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to improve and streamline the polices, programs, and services;

(ii) to coordinate among Federal agencies regarding existing rural broadband or rural initiatives that could be of value to rural broadband development;

(iii) to address both short- and long-term solutions and needs assessments for a rapid build-out of rural broadband solutions and applications for Federal, State, regional, and local government policy makers; and

(iv) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(B) a description of goals and timeframes to achieve the strategic plans and visions identified in the report.

(2) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary shall update and evaluate the report described in paragraph (1) on an annual basis.

(b) RURAL BROADBAND.—Section 306(a)(20)(E) of the Consolidated Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended by striking ''dial-up Internet access or''.

SA 3830. Mr. HARKIN (for himself, Mr. KENNEDY and Mr. GREGG) proposed an amendment to amendment SA 3500 proposed by Mr. HARKIN (for himself, Mr. CHAMBLISS, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes; as follows:

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

Subtitle ____—Public Safety Officers

SEC. _____1. SHORT TITLE.

This subtitle may be cited as the ''Public Safety Employer-Employee Cooperation Act of 2007''.

SEC. _____2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. _____3. DEFINITIONS.

In this subtitle:

(1) AUTHORITY.—The term ''Authority'' means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term ''emergency medical services personnel'' means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms ''employer'' and ''public safety agency'' mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term ''firefighter'' has the meaning given the term ''employee engaged in fire protection activities'' in section 3(y) of the Fair Labor Standards Act (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term ''labor organization'' means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term ''management employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term ''person'' means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term ''public safety officer''—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term ''substantially provides'' means compliance with the essential requirements of this subtitle, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term ''supervisory employee'' has the meaning given such term under applicable State law in effect on the date of enactment of this subtitle. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. _____4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section _____5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this subtitle.

SEC. _____5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, the Authority shall issue regulations in accordance with the rights and responsibilities described in section _____4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section _____4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this subtitle and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this subtitle, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. _____6. STRIKES AND LOCKOUTS PROHIBITED.

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

SEC. _____7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this subtitle shall not be invalidated by the enactment of this subtitle.

SEC. _____8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section _____4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this subtitle that provides for the rights and responsibilities described in section _____4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section _____5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this subtitle a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term ''employee'' includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are

comparable to or greater than the rights and responsibilities described in section _____4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this subtitle or the regulations promulgated under this subtitle shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section _____4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section _____4(b) with respect to certain categories of public safety officers covered by this subtitle solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this subtitle; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section _____4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section _____5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section _____4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of this subtitle, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this subtitle with respect to employees of a State or political subdivision of a State.

SEC. _____9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle.

SA 3831. Mr. REID (for Mr. KENNEDY) proposed an amendment to the bill S. 793, to provide for the expansion and improvement of traumatic brain injury programs; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reauthorization of the Traumatic Brain Injury Act''.

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking ''from hospitals and trauma centers'' and inserting ''from hospitals and emergency departments''.

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

(1) in the section heading, by inserting ''**SURVEILLANCE AND**'' after ''**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**''; and

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''to collect data concerning—'' and inserting ''may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—''.

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

''(b) Not later than 18 months after the date of enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention, the Department of Defense, and the Department of Veterans Affairs to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in the military and veterans populations who return to civilian life. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.''.

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

''SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

''(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and in consultation with the Director of the National Institutes of Health and other appropriate entities with respect to paragraphs (2), (3), and (4), may conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

''(1) In collaboration with appropriate State and local health-related agencies—

''(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

''(B) reporting national trends in traumatic brain injury.

''(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

''(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

''(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

''(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

''(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

''(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

''(b) DATES CERTAIN FOR REPORTS.—If the study is conducted under subsection (a), the Secretary shall, not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, submit to Congress a report describing findings made as a result of carrying out such subsection (a).

''(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.''.

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions'';

(2) in subparagraph (D) of subsection (d)(4), by striking ''head brain injury'' and inserting ''brain injury''; and

(3) in subsection (i), by inserting '', and such sums as may be necessary for each of fiscal years 2008 through 2011'' before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking ''may make grants to States'' and inserting ''may make grants to States and American Indian consortia''; and

(B) by striking ''health and other services'' and inserting ''rehabilitation and other services'';

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term ''State'' each place such term appears and inserting the term ''State or American Indian consortium''; and

(B) in paragraph (2), by striking ''recommendations to the State'' and inserting ''recommendations to the State or American Indian consortium'';

(3) in subsection (c), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(4) in subsection (e), by striking ''A State that received'' and all that follows through the period and inserting ''A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.'';

(5) in subsection (f)—

(A) in the subsection heading, by inserting ''AND AMERICAN INDIAN CONSORTIUM'' after ''STATE'';

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(C) in clause (ii) of paragraph (1)(A), by striking ''children and other individuals'' and inserting ''children, youth, and adults''; and

(D) in subsection (h)—

(i) by striking ''Not later than 2 years after the date of the enactment of this section, the Secretary'' and inserting ''Not less than biennially, the Secretary'';

(ii) by striking ''Commerce of the House of Representatives, and to the Committee on Labor and Human Resources'' and inserting ''Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions''; and

(iii) by inserting ''and section 1253'' after ''programs established under this section,'';

(6) by amending subsection (i) to read as follows:

''(i) DEFINITIONS.—For purposes of this section:

''(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

''(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.''; and

(7) in subsection (j), by inserting '', and such sums as may be necessary for each of the fiscal years 2008 through 2011'' before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term ''subsection (i)'' each place such term appears and inserting ''subsection (l)'';

(2) in subsection (g), by inserting ''each fiscal year not later than October 1,'' before ''the Administrator shall pay'';

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

''(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

''(j) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

''(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

''(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''; and

(5) in subsection (l) (as redesignated by this subsection) by striking ''2005'' and inserting ''2011''.

SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding members of the armed forces who have acquired a disability resulting from a traumatic brain injury incurred while serving in Operation Enduring Freedom and Operation Iraqi Freedom. Such study shall examine how these individuals are being reintegrated into their communities, including—

(1) what is known about this population; and

(2) what challenges they may face in returning to their communities, such as accessing employment, housing, transportation, and community care programs, and coordinating benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the results of the study conducted under subsection (a).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a nomination hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, December 18, 2007, at 10:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission, for the term expiring June 30, 2013.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m., in room SD366 of the Dirksen Senate Office Building in order to conduct a hearing. At this hearing, the committee will hear testimony regarding the Science and Engineering to Comprehensively Understand and Responsibly Enhance Water Act.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in room 215 of the Dirksen Senate Office Building, in order to hear testimony on S. 1673, the Promoting American Agricultural and Medical Exports to Cuba Act of 2007.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 2:30 p.m. in order to hold a classified briefing on Iran.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled ''Meeting the Global Challenge of AIDS, TB, and Malaria,'' during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m. in order to conduct a hearing entitled ''E-Government 2.0: Improving Innovation, Collaboration, and Access.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations, of the Committee on Homeland Security and Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, December 11, 2007, at 10 a.m., in order to conduct a hearing entitled, ''Speculation in the Crude Oil Market.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on December 11, 2007, at 2:30 p.m. in order to hold a closed briefing.

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

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''The Sunshine in Litigation Act: Does Court Secrecy Undermine Public Health and Safety?'' on Tuesday, December 11, 2007 at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building.

Witness list

The Honorable Joseph F. Anderson, United States District Court Judge, United States District Court for the District of South Carolina.

Johnny Bradley, Jr., Pachuta, Mississippi.

Robert N. Weiner, Partner, Arnold & Porter, LLP, Washington, DC.

Leslie A. Bailey, Brayton-Baron Attorney, Public Justice, Oakland, CA.

Stephen G. Morrison, Partner, Nelson Mullins Riley & Scarborough, LLP, Columbia, SC.

Richard A. Zitrin, Adjunct Professor of Law, University of California at Hastings, San Francisco, CA.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Terrorism, Technology, and Homeland Security, be authorized to meet during the session of the Senate in order to conduct a hearing entitled ''The Legal Rights of Guantánamo Detainees: What Are They, Should They Be Changed, and Is an End in Sight?'' on Tuesday, December 11, 2007 at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. ALEXANDER. Mr. President, I unanimous consent that a fellow on my staff, Jack Wells, be granted the privilege of the floor for the duration of the debate on the farm bill.

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

Ms. KLOBUCHAR. First, on behalf of the Presiding Officer, Senator SALAZAR, I ask unanimous consent that Ben Brown, a fellow in Senator SALAZAR's office, be allowed floor privileges for the remainder of the debate on the farm bill.

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

METHAMPHETAMINE REMEDIATION RESEARCH ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 365.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 365) to provide for a research program for remediation of closed methamphetamine production laboratories, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD, without intervening action or debate.

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

The bill (H.R. 365) was ordered to a third reading, was read the third time, and passed.

REAUTHORIZATION OF THE TRAUMATIC BRAIN INJURY ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 317, S. 793.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 793) to provide for the expansion and improvement of traumatic brain injury programs.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reauthorization of the Traumatic Brain Injury Act''.

SEC. 2. CONFORMING AMENDMENTS RELATING TO RESTRUCTURING.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) by redesignating the section 393B (42 U.S.C. 280b–1c) relating to the use of allotments for rape prevention education, as section 393A and moving such section so that it follows section 393;

(2) by redesignating existing section 393A (42 U.S.C. 280b–1b) relating to prevention of traumatic brain injury, as section 393B; and

(3) by redesignating the section 393B (42 U.S.C. 280b–1d) relating to traumatic brain injury registries, as section 393C.

SEC. 3. TRAUMATIC BRAIN INJURY PROGRAMS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) PREVENTION OF TRAUMATIC BRAIN INJURY.—Clause (ii) of section 393B(b)(3)(A) of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b–1b) is amended by striking ''from hospitals and trauma centers'' and inserting ''from hospitals and emergency departments''.

(b) NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY SURVEILLANCE AND REGISTRIES.—Section 393C of the Public Health Service Act, as so redesignated, (42 U.S.C. 280b et seq.) is amended—

*(1) in the section heading, by inserting ''**SURVEILLANCE AND**'' after ''**NATIONAL PROGRAM FOR TRAUMATIC BRAIN INJURY**''; and*

(2) in subsection (a), in the matter preceding paragraph (1), by striking ''may make grants'' and all that follows through ''to collect data concerning—'' and inserting ''may make grants to States or their designees to develop or operate the State's traumatic brain injury surveillance system or registry to determine the incidence and prevalence of traumatic brain injury and related disability, to ensure the uniformity of reporting under such system or registry, to link individuals with traumatic brain injury to services and supports, and to link such individuals with academic institutions to conduct applied research that will support the development of such surveillance systems and registries as may be necessary. A surveillance system or registry under this section shall provide for the collection of data concerning—''.

(c) REPORT.—Section 393C of the Public Health Service Act (as so redesignated) is amended by adding at the end the following:

''(b) Not later than 18 months after the date of enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and the Director of the National Institutes of Health and in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, shall submit to the relevant committees of Congress a report that contains the findings derived from an evaluation concerning activities and procedures that can be implemented by the Centers for Disease Control and Prevention, the Department of Defense, and the Department of Veterans Affairs to improve the collection and dissemination of compatible epidemiological studies on the incidence and prevalence of traumatic brain injury in the military and veterans populations who return to civilian life. The report shall include recommendations on the manner in which such agencies can further collaborate on the development and improvement of traumatic brain injury diagnostic tools and treatments.''.

SEC. 4. STUDY ON TRAUMATIC BRAIN INJURY.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended by inserting after section 393C the following:

''SEC. 393C–1. STUDY ON TRAUMATIC BRAIN INJURY.

''(a) STUDY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention with respect to paragraph (1) and the Director of the National Institutes of Health with respect to paragraphs (2) and (3), shall conduct a study with respect to traumatic brain injury for the purpose of carrying out the following:

''(1) In collaboration with appropriate State and local health-related agencies—

''(A) determining the incidence of traumatic brain injury and prevalence of traumatic brain injury related disability and the clinical aspects of the disability in all age groups and racial and ethnic minority groups in the general population of the United States, including institutional settings, such as nursing homes, correctional facilities, psychiatric hospitals, child care facilities, and residential institutes for people with developmental disabilities; and

''(B) reporting national trends in traumatic brain injury.

''(2) Identifying common therapeutic interventions which are used for the rehabilitation of individuals with such injuries, and, subject to the availability of information, including an analysis of—

''(A) the effectiveness of each such intervention in improving the functioning, including return to work or school and community participation, of individuals with brain injuries;

''(B) the comparative effectiveness of interventions employed in the course of rehabilitation of individuals with brain injuries to achieve the same or similar clinical outcome; and

''(C) the adequacy of existing measures of outcomes and knowledge of factors influencing differential outcomes.

''(3) Identifying interventions and therapies that can prevent or remediate the development of secondary neurologic conditions related to traumatic brain injury.

''(4) Developing practice guidelines for the rehabilitation of traumatic brain injury at such time as appropriate scientific research becomes available.

''(b) DATES CERTAIN FOR REPORTS.—Not later than 3 years after the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act, the Secretary shall submit to the Congress a report describing findings made as a result of carrying out subsection (a).

''(c) DEFINITION.—For purposes of this section, the term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma including near drowning. The Secretary may revise the definition of such term as the Secretary determines necessary.''.

SEC. 5. TRAUMATIC BRAIN INJURY PROGRAMS OF THE NATIONAL INSTITUTES OF HEALTH.

Section 1261 of the Public Health Service Act (42 U.S.C. 300d–61) is amended—

(1) in subsection (b)(2), by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions'';

(2) in subparagraph (D) of subsection (d)(4), by striking ''head brain injury'' and inserting ''brain injury''; and

(3) in subsection (i), by inserting '', and such sums as may be necessary for each of fiscal years 2008 through 2011'' before the period at the end.

SEC. 6. TRAUMATIC BRAIN INJURY PROGRAMS OF THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) STATE GRANTS FOR DEMONSTRATION PROJECTS REGARDING TRAUMATIC BRAIN INJURY.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended—

(1) in subsection (a)—

(A) by striking ''may make grants to States'' and inserting ''may make grants to States and American Indian consortia''; and

(B) by striking ''health and other services'' and inserting ''rehabilitation and other services'';

(2) in subsection (b)—

(A) in paragraphs (1), (3)(A)(i), (3)(A)(iii), and (3)(A)(iv), by striking the term ''State'' each place such term appears and inserting the term ''State or American Indian consortium''; and

(B) in paragraph (2), by striking ''recommendations to the State'' and inserting ''recommendations to the State or American Indian consortium'';

(3) in subsection (c), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(4) in subsection (e), by striking ''A State that received'' and all that follows through the period and inserting ''A State or American Indian consortium that received a grant under this section prior to the date of the enactment of the Reauthorization of the Traumatic Brain Injury Act may complete the activities funded by the grant.'';

(5) in subsection (f)—

(A) in the subsection heading, by inserting ''AND AMERICAN INDIAN CONSORTIUM'' after ''STATE'';

(B) in paragraph (1) in the matter preceding subparagraph (A), paragraph (1)(E), paragraph (2)(A), paragraph (2)(B), paragraph (3) in the matter preceding subparagraph (A), paragraph (3)(E), and paragraph (3)(F), by striking the term ''State'' each place such term appears and inserting ''State or American Indian consortium'';

(C) in clause (ii) of paragraph (1)(A), by striking ''children and other individuals'' and inserting ''children, youth, and adults''; and

(D) in subsection (h)—

(i) by striking ''Not later than 2 years after the date of the enactment of this section, the Secretary'' and inserting ''Not less than biennially, the Secretary'';

(ii) by striking ''Commerce of the House of Representatives, and to the Committee on Labor and Human Resources'' and inserting ''Energy and Commerce of the House of Representatives, and to the Committee on Health, Education, Labor, and Pensions''; and

(iii) by inserting ''and section 1253'' after ''programs established under this section,'';

(6) by amending subsection (i) to read as follows:

''(i) DEFINITIONS.—For purposes of this section:

''(1) The terms 'American Indian consortium' and 'State' have the meanings given to those terms in section 1253.

''(2) The term 'traumatic brain injury' means an acquired injury to the brain. Such term does not include brain dysfunction caused by congenital or degenerative disorders, nor birth trauma, but may include brain injuries caused by anoxia due to trauma. The Secretary may revise the definition of such term as the Secretary determines necessary, after consultation with States and other appropriate public or nonprofit private entities.''; and

(7) in subsection (j), by inserting '', and such sums as may be necessary for each of the fiscal years 2008 through 2011'' before the period.

(b) STATE GRANTS FOR PROTECTION AND ADVOCACY SERVICES.—Section 1253 of the Public Health Service Act (42 U.S.C. 300d–53) is amended—

(1) in subsections (d) and (e), by striking the term ''subsection (i)'' each place such term appears and inserting ''subsection (l)'';

(2) in subsection (g), by inserting ''each fiscal year not later than October 1,'' before ''the Administrator shall pay'';

(3) by redesignating subsections (i) and (j) as subsections (l) and (m), respectively;

(4) by inserting after subsection (h) the following:

''(i) DATA COLLECTION.—The Administrator of the Health Resources and Services Administration and the Commissioner of the Administration on Developmental Disabilities shall enter into an agreement to coordinate the collection of data by the Administrator and the Commissioner regarding protection and advocacy services.

''(j) TRAINING AND TECHNICAL ASSISTANCE.—

''(1) GRANTS.—For any fiscal year for which the amount appropriated to carry out this section is $6,000,000 or greater, the Administrator shall use 2 percent of such amount to make a grant to an eligible national association for providing for training and technical assistance to protection and advocacy systems.

''(2) DEFINITION.—In this subsection, the term 'eligible national association' means a national association with demonstrated experience in providing training and technical assistance to protection and advocacy systems.

''(k) SYSTEM AUTHORITY.—In providing services under this section, a protection and advocacy system shall have the same authorities, including access to records, as such system would have for purposes of providing services under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''; and

(5) in subsection (l) (as redesignated by this subsection) by striking ''2005'' and inserting ''2011''.

SEC. 7. GAO STUDY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a national study regarding whether, and, if so, to what extent, members of the armed forces who have acquired a disability from serving in Operation Enduring Freedom and Operation Iraqi Freedom are being reintegrated into their communities. Such study shall specifically include an examination of factors affecting the reintegration of such members of the armed forces who have acquired a traumatic brain injury into their communities, including an analysis of—

(1) the unavailability of suitable employment, housing, and transportation;

(2) the existence, availability, and capacity of community care programs; and

(3) the extent to which there is coordination of benefits for these men and women.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives, a report summarizing the results of the study conducted under subsection (a).

Mr. KENNEDY. Mr. President, in passing the reauthorization of the Traumatic Brain Injury Act today, the Senate has taken an important step toward making a difference in the lives of some of our Nation's most deserving citizens: our soldiers and our children. It is a privilege to have worked with my colleague, Senator HATCH, on this legislation. It is an important and timely bill that helps an especially deserving group of people.

Brain injuries have become the signature wound of the war in Iraq. Up to two-thirds of our wounded soldiers may have suffered such injuries. Here at home, an unacceptably large number of children from birth to age 14 experience traumatic brain injuries—approximately 475,000 a year and some of the most frequent of these injuries are to children under the age of five. In Massachusetts alone, more than 40,000 individuals experience brain injuries each year.

As a result of such injuries, over 5.3 million Americans are now living with a permanent disability. Today, we have taken a step toward ensuring that these citizens and their families will receive the best care we can provide.

The bill reauthorizes grants that assist States, Territories, and the District of Columbia in establishing and expanding coordinated systems of community-based services and supports for those with such injuries.

When Congress approved the Traumatic Brain Injury Act as part of the Children's Health Act of 2000, we included a specific provision called the Protection and Advocacy for Individuals with Traumatic Brain Injury Program. This program has become essential because persons with these injuries have an array of needs beyond treatment and health care, including assistance in returning to work, finding a place to live, obtaining supports and services such as attendant care and assistive technology, and obtaining appropriate mental health, substance abuse, and rehabilitation services.

Often these persons—especially our returning veterans—must remain in extremely expensive institutions far

longer than necessary, because the community-based supports and services they need are not available, even though they can lead to reduced government expenditures, increased productivity, independence and community integration. Those who provide such assistance must have special skills, and their work is often time-intensive.

Our legislation allocates funds for CDC programs that will provide important information and data on injury prevention. A recent Institute of Medicine report showed that such programs work. Their benefit is obvious, and we must do all we can to expand this appropriation in the years ahead to meet the urgent and growing need for this assistance.

A recent report by the Institute of Medicine calls the current TBI programs an ''overall success.'' It states that ''there is considerable value in providing funding,'' and ''it is worrisome that the modestly budgeted TBI Program continues to be vulnerable to budget cuts.''

Current estimates show that the Federal Government spends less than $3 dollars per brain injury survivor on research and services. As the IOM study suggests, this program must be able to grow, so that each State has the resources necessary to maintain vital services and advocacy for the large number of Americans who sustain such a brain injury each year.

Today's passage of this bipartisan bill moves us closer to continuing and strengthening these important programs which say to our Nation's wounded soldiers and injured children: ''You deserve the best we can provide''. I hope very much that Congress will continue to expand these programs, so that we can truly do all we can for these deserving individuals and their families.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to; that the committee-reported substitute, as amended, be agreed to; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

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

The amendment (No. 3831) was agreed to.

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

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 793), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, DECEMBER 12, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, December 12; that on Wednesday, December 12, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 3 hours, with the time equally divided and controlled between the two leaders or their designees and Senators permitted to speak therein for up to 10 minutes each, with the first half under the control of the majority and the final half under the control of the Republicans; that at the close of morning business, the Senate then resume consideration of H.R. 2419, as provided for under a previous order.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:21 p.m., adjourned until Wednesday, December 12, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

YOUSIF BOUTROUS GHAFARI, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY WITH THE RANK OF AMBASSADOR, VICE KAREN P. HUGHES.

DEPARTMENT OF THE TREASURY

DOUGLAS H. SHULMAN, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE FOR THE TERM PRESCRIBED BY LAW, VICE MARK W. EVERSON.

DEPARTMENT OF ENERGY

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE JEFFREY D. JARRETT, RESIGNED.

FEDERAL ENERGY REGULATORY COMMISSION

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2013. (REAPPOINTMENT)

THE JUDICIARY

GLENN T. SUDDABY, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE LAWRENCE E. KAHN, RETIRED.

G. MURRAY SNOW, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE STEPHEN M. MCNAMEE, RETIRED.

DEPARTMENT OF JUSTICE

GREGORY G. KATSAS, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE PETER D. KEISLER, RESIGNED.

KEVIN J. O'CONNOR, OF CONNECTICUT, TO BE ASSOCIATE ATTORNEY GENERAL, VICE ROBERT D. MCCALLUM, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE A. LITCHFIELD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MARK A. EDIGER, 0000
COLONEL RICHARD A. HERSACK, 0000
COLONEL DANIEL O. WYMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER F. BURNE, 0000
COL. DWIGHT D. CREASY, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

JOHN R. SHAW, 0000

To be major

GREGORY S.F. MCDOUGAL, 0000
NATALIE L. RESTIVO, 0000

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

QUINDOLA M. CROWLEY, 0000

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PAUL A. MABRY, 0000

To be major

JON E. LUTZ, 0000
ROBERT PERITO, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JOSEPH M. ADAMS, 0000
MICHAEL A. BALSER, 0000
BRETT A. BARRACLOUGH, 0000
ROGER S. BASNETT, 0000
DAVID G. BASSETT, 0000
THOMAS C. BEANE, JR., 0000
VERNON L. BEATTY, JR., 0000
TIMOTHY D. BECKNER, 0000
ALAN R. BERNARD, 0000
FRANCISCO R. BETANCOURT, 0000
MICHAEL C. BIRD, 0000
GREGG A. BLANCHARD, 0000
GEORGE W. BOND, 0000
MICHAEL T. BOONE, 0000
WILLIAM K. BOYETT, 0000
LEO E. BRADLEY III, 0000
WILLIAM B. BRENTS, 0000
BRIAN P. BRINDLEY, 0000
STEVEN R. BUSCH, 0000
DOUGLAS B. BUSHEY, 0000
KENNETH G. CARRICK, 0000
ANTHONY K. CHAMBERS, 0000
DOUGLAS G. CHAMBERS, 0000
DANIEL M. CHARTIER, 0000
MARCUS C. CHERRY, 0000
LARY E. CHINOWSKY, 0000
LINWOOD B. CLARK, JR., 0000
EMMA K. COULSON, 0000
STEVEN F. CUMMINGS, 0000
DEBRA D. DANIELS, 0000
WILLIAM J. DAVISSON, 0000
JAMES V. DAY, 0000
ROBERT W. DEJONG, 0000
BARRY A. DIEHL, 0000
RICHARD B. DIX, 0000
DAVID B. DYE, 0000
STEVEN M. ELKINS, 0000
RONALD P. ELROD, 0000
KENNETH E. EVANS, JR., 0000
CHRISTOPHER R. FARLEY, 0000
MICHAEL P. FLANAGAN, 0000
JEFFERY D. FORD, 0000
DARLENE S. FREEMAN, 0000
LAWRENCE W. FULLER, 0000
ROBERT E. GAGNON, 0000
MARIO V. GARCIA, JR., 0000
TODD GARLICK, 0000
KEVIN E. GENTZLER, 0000
LESLIE A. GERALD, 0000
CHARLES C. GIBSON, 0000
MAXINE C. GIRARD, 0000
MICHELE L. GODDETTE, 0000
NANCY J. GRANDY, 0000
KATHRYN R. HALL, 0000
SEAN T. HANNAH, 0000
DEBRA A. HANNEMAN, 0000
LEO R. HAY, 0000
ERIC J. HESSE, 0000
KENNETH E. HICKINS, 0000
MARK R. HICKS, 0000
MICHAEL D. HOSKIN, 0000
MICHAEL C. HOWITZ, 0000
KENNETH D. HUBBARD, 0000
WILLIAM B. HUGHES, 0000
MICHAEL L. HUMMEL, 0000
RONALD JACOBS, JR., 0000
GRANT A. JACOBY, 0000

ROBERT G. JOHNSON, 0000
JACK T. JUDY, 0000
KEVIN K. KACHINSKI, 0000
ALLEN W. KIEFER, 0000
JOHN C. KILGALLON, 0000
JAMES D. KINKADE, 0000
RONALD KIRKLIN, 0000
LENNY J. KNESS, 0000
ROBERT D. KNOCK, JR., 0000
RICHARD J. KRAMER, 0000
DREFUS LANE, 0000
THOMAS J. LANGOWSKI, 0000
JOHN M. LAZAR, 0000
JOHN R. LEAPHART, 0000
STANLEY M. LEWIS, 0000
EUGENE W. LILLIEWOOD, JR., 0000
SCOTT J. LOFREDDO, 0000
KERRY J. MACINTYRE, 0000
ROBERT L. MARION, 0000
PATRICK H. MASON, 0000
PATRICIA A. MATLOCK, 0000
THOMAS D. MCCARTHY, 0000
MARK A. MCCORMICK, 0000
TRACY E. MCLEAN, 0000
JOHN H. MCPHAUL, JR., 0000
PHILLIP A. MEAD, 0000
HOWARD L. MERRITT, 0000
THOMAS MINTZER, 0000
CONRADO B. MORGAN, 0000
JEFFREY S. MORRIS, 0000
MICHAEL S. OUBRE, 0000
FRANCIS S. PACELLO, 0000
GUST W. PAGONIS, 0000
PATRICK V. PALLATTO, 0000
RICHARD B. PARKER, 0000
THOMAS L. PAYNE, 0000
BRENT A. PENNY, 0000
BROC A. PERKUCHIN, 0000
MICHAEL P. PETERMAN, 0000
DIANNA ROBERSON, 0000
HARVEY R. ROBINSON, 0000
KENNETH P. RODGERS, 0000
RONALD J. ROSS, 0000
WILLIAM I. RUSH, 0000
KURT J. RYAN, 0000
WILLIAM A. SANDERS, 0000
LYNN W. SANNICOLAS, 0000
LISA R. SCHLEDERKIRKPATRICK, 0000
THOMAS S. SCHORR, JR., 0000
MICHAEL J. SCHROEDER, 0000
RICHARD L. SHEPARD, 0000
JOE K. SLEDD, 0000
JAMES H. SMITH, 0000
JEANNE C. SMITHHOOPER, 0000
JOHNNY W. SOKOLOSKY, 0000
JEFFREY K. SOUDER, 0000
LOUIS F. STEINBUGL, 0000
VANCE F. STEWART III, 0000
DEBORAH S. STUART, 0000
WAYNE L. STULTZ, 0000
JOHN P. SULLIVAN, 0000
JOHN H. SUTTON, 0000
MICHAEL R. SWITZER, 0000
MARK E. TALKINGTON, 0000
JOEL C. TAYLOR, 0000
DANNY F. TILZEY, 0000
FERNANDO L. TORRENT, 0000
EVELYN M. TORRES, 0000
JOHN S. TURNER, 0000
DAVID E. VANSLAMBROOK, 0000
JOEL D. WEEKS, 0000
FRANKLIN L. WENZEL, 0000
HARRY F. WILKES, 0000
CURTIS WILLIAMS, JR., 0000
KELVIN R. WOOD, 0000
REED F. YOUNG, 0000
MICHAEL E. ZARBO, 0000
JOHN V. ZAVARELLI, 0000
D0000
D0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ANTHONY J. ABATI, 0000
DAVID P. ANDERS, 0000
BRUCE P. ANTONIA, 0000
ANDREW W. BACKUS, 0000
ROBERT A. BAER, 0000
JUNIOOMARU BARBER, 0000
DAVID B. BATCHELOR, 0000
MARK A. BERTOLINI, 0000
KENNETH J. BILAND, 0000
ALAN C. BLACKWELL, 0000
MARK A. BLAIR, 0000
MARLON D. BLOCKER, 0000
BRADLEY D. BLOOM, 0000
DONALD C. BOLDUC, 0000
JOHN R. BOULE II, 0000
PATRICK P. BREWINGTON, 0000
DARRYL J. BRIGGS, 0000
ERIC W. BRIGHAM, 0000
GARY M. BRITO, 0000
THOMAS H. BRITTAIN, 0000
MICHAEL W. BROBECK, 0000
JEFFREY M. BRODEUR, 0000
MICHAEL A. BROWDER, 0000
KEVIN P. BROWN, 0000
ROBERT S. BROWN, 0000
ROSS A. BROWN, 0000
VINCENT D. BRYANT, 0000
WILLARD M. BURLESON II, 0000
FRANCIS B. BURNS, 0000
DAVID A. BUSHEY, 0000
WILLIAM C. BUTCHER, 0000
MIKE A. CARTER, 0000
CHRISTOPHER G. CAVOLI, 0000
ROBERT P. CERJAN, 0000
RANDALL K. CHEESEBOROUGH, 0000
FREDRICK S. CHOI, 0000
PERRY C. CLARK, 0000
JOSEPH S. COALE, 0000
DAVID C. COGDALL, 0000
CRAIG A. COLLIER, 0000
LYDIA D. COMBS, 0000
ERIC R. CONRAD, 0000
LEONARD A. COSBY, 0000
KENNETH J. CRAWFORD, 0000
REGINALD R. DAVIS, 0000
BRANT V. DAYLEY, 0000
EDMUND J. DEGEN, 0000
TIMOTHY P. DEVITO, 0000
BARRY S. DIRUZZA, 0000
BRIAN J. DISINGER, 0000
MICHAEL J. DOMINIQUE, 0000
SCOTT E. DONALDSON, 0000
GEORGE T. DONOVAN, JR., 0000
TERENCE M. DORN, 0000
KENNETH E. DOWNER, 0000
STEVEN W. DUKE, 0000
BRIAN P. DUNN, 0000
JOHN C. DVORACEK, 0000
CHESTER F. DYMEK III, 0000
CHARLES N. EASSA, 0000
MARK L. EDMONDS, 0000
GEOFFREY D. ELLERSON, 0000
MICHAEL T. ENDRES, 0000
MALCOLM B. FROST, 0000
MICHAEL J. GAWKINS, 0000
WILLIAM K. GAYLER, 0000
STEPHEN J. GAYTON, JR., 0000
RAY D. GENTZYEL, 0000
BERTRAND A. GES, 0000
MICHAEL L. GIBLER, 0000
CARL L. GILES, 0000
MARK J. GORTON, 0000
DEWEY A. GRANGER, 0000
THOMAS C. GRAVES, 0000
WAYNE A. GREEN, 0000
PAUL S. GREENHOUSE, 0000
GREGORY J. GUNTER, 0000
MICHAEL J. HARRIS, 0000
ROBERT D. HAYCOCK, 0000
ASHTON L. HAYES, 0000
KYLE D. HICKMAN, 0000
THOMAS E. HIEBERT, 0000
MICHAEL S. HIGGINBOTTOM, 0000
BRYAN C. HILFERTY, 0000
ADAM R. HINSDALE, 0000
TERRY D. HODGES, 0000
PATRICK B. HOGAN, 0000
JAMES A. HOWARD, 0000
WILLIAM P. HUBER, 0000
PAUL G. HUMPHREYS, 0000
MARC B. HUTSON, 0000
MICHAEL J. INFANTI, 0000
JAMES P. INMAN, 0000
JOSEPH D. JACKY, 0000
JAMES H. JENKINS III, 0000
JACK J. JENSEN, 0000
BARRY A. JOHNSON, 0000
FRED W. JOHNSON, 0000
MICHAEL J. JOHNSON, 0000
MICIOTTO O. JOHNSON, 0000
HARVEY B. JONES III, 0000
ROGER T. JONES, 0000
ARTHUR A. KANDARIAN, 0000
THOMAS L. KELLY, 0000
PATRICK J. KILROY, 0000
SCOTT D. KIMMELL, 0000
WILLIAM E. KING IV, 0000
REINHARD W. KOENIG, 0000
STEVEN T. KOENIG, 0000
CHRISTOPHER D. KOLENDA, 0000
FRED T. KRAWCHUK, JR., 0000
RYAN J. KUHN, 0000
JOHN F. LAGANELLI, 0000
JAMES E. LARSEN II, 0000
LOUIS J. LARTIGUE, JR., 0000
TERRY M. LEE, 0000
JON N. LEONARD II, 0000
DAVID J. LIDDELL, 0000
TIMOTHY J. LONEY, 0000
VICTOR H. LOSCH II, 0000
VIET X. LUONG, 0000
LATONYA D. LYNN, 0000
CHARLES C. MACK, 0000
SCOTT F. MALCOM, 0000
SAMUEL P. MANSBERGER, 0000
FRED V. MANZO, JR., 0000
JAMES P. MARSHALL, 0000
JEFFREY R. MARTINDALE, 0000
PATRICK E. MATLOCK, 0000
SEAN W. MCCAFFREY, 0000
JOHN C. MCCLELLAN, JR., 0000
DAN MCELROY, 0000
BRIAN S. MCFADDEN, 0000
SHAWN P. MCGINLEY, 0000
JOHN M. MCHUGH, 0000
ROBERT F. MCLAUGHLIN, 0000
KEVIN W. MILTON, 0000
JAMES B. MINGO, 0000
JAMES J. MINGUS, 0000
JAMES M. MIS, 0000
LENTFORT MITCHELL, 0000
MARK E. MITCHELL, 0000
STEPHEN P. MONIZ, 0000
JOHN J. MULBURY, 0000
ROBERT M. MUNDELL, 0000
RICHARD J. MURASKI, JR., 0000
FRANK M. MUTH, 0000
DEBORAH A. MYERS, 0000
DONALD H. MYERS, 0000
BARRY A. NAYLOR, 0000
ANDREW B. NELSON, 0000
CRAIG M. NEWMAN, 0000
JAMES D. NICKOLAS, 0000
NOEL T. NICOLLE, 0000
GARY R. NICOSON, 0000
KIRK H. NILSSON, 0000
EDWARD T. NYE, 0000
ALFRED A. PANTANO, JR., 0000
PAUL M. PAOLOZZI, 0000
ROBERT J. PAQUIN, 0000
JOHN A. PEELER, 0000
WARREN M. PERRY, 0000
JAMES A. PETERSON, 0000
JEFFREY D. PETERSON, 0000
JODY L. PETERY, 0000
KURT J. PINKERTON, 0000
DANIEL A. PINNELL, 0000
MARK B. POMEROY, 0000
MICHAEL L. POPOVICH, 0000
ANDREW P. POPPAS, 0000
WILLIAM W. PRIOR, 0000
BRIAN M. PUGMIRE, 0000
MICHAEL D. PYOTT, 0000
VINCENT V. QUARLES, 0000
STEPHEN M. QUINN, 0000
VINCENT M. REAP, 0000
JOHN G. REILLY, 0000
PAUL K. REIST, 0000
JOHN S. RENDA, 0000
DARYL S. REY, 0000
TERRY L. RICE, 0000
TIMOTHY J. RICHARDS, 0000
RICHARD S. RICHARDSON, 0000
GLENN S. RICHIE, 0000
STEPHEN J. RICHMOND, 0000
JAMES M. ROBERTSON, 0000
JOHN R. ROBINSON, 0000
DAVID A. RODDENBERRY, 0000
ROBERT R. ROGGEMAN, 0000
ROBERT J. RUCH, 0000
BRYAN L. RUDACILLE, JR., 0000
OLIVER S. SAUNDERS, 0000
DANIEL P. SAUTER III, 0000
ERIC O. SCHACHT, 0000
GEORGE T. SHEPARD, JR., 0000
MILTON L. SHIPMAN, 0000
WILSON A. SHOFFNER, JR., 0000
GEORGE B. SHUPLINKOV, 0000
STEPHEN J. SICINSKI, 0000
GEORGE SIMON III, 0000
JOSEPH A. SIMONELLI, JR., 0000
JOHN D. SIMS, 0000
LAURA L. SINGER, 0000
MICHAEL K. SKINNER, 0000
AVANULAS R. SMILEY, 0000
KURT L. SONNTAG, 0000
WILLIAM E. SPADIE, 0000
JAMES R. SPANGLER II, 0000
WILLIAM T. STEELE, 0000
RUSSELL STINGER, 0000
MARK W. SUICH, 0000
GEORGE L. SWIFT, 0000
SEAN P. SWINDELL, 0000
JAMES F. SWITZER, 0000
ROBERT M. TARADASH, 0000
VINCENT J. TEDESCO III, 0000
PATRICK R. TERRELL, 0000
DAVID T. THEISEN, 0000
DAVID E. THOMPSON II, 0000
EDWARD W. TIMMONS, SR., 0000
KEITRON A. TODD, 0000
MICHAEL A. TODD, 0000
CHRISTOPHER R. TONER, 0000
WILLIAM A. TURNER, 0000
JOHN C. VALLEDOR, 0000
DOUGLAS L. VICTOR, 0000
JEFFREY E. VUONO, 0000
JOSEPH D. WAWRO, 0000
CHARLES R. WEBSTER, JR., 0000
DAVE WELLONS, 0000
RANDOLPH C. WHITE, JR., 0000
STEVEN J. WHITMARSH, 0000
DANIEL T. WILLIAMS, 0000
THEARON M. WILLIAMS, 0000
STEVEN C. WILLIAMSON, 0000
ERIC J. WINKIE, 0000
BRIAN E. WINSKI, 0000
JAMES M. WOLAK, 0000
JAMES J. WOLFF, 0000
D0000
D0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID P. ACEVEDO, 0000
CHARLES T. AMES, 0000
KEVIN J. AUSTIN, 0000
BERNARD B. BANKS, 0000
ROBERT A. BARKER, 0000
PETER J. BEIM, 0000
KIRK C. BENSON, 0000
BURT A. BIEBUYCK, 0000
KENNETH C. BLAKELY, 0000
ALFRED L. BROOKS, 0000
TODD D. BROWN, 0000
TIMOTHY S. BURNS, 0000
KIMBERLY L. CARDEN, 0000
THOMAS E. CARTLEDGE, JR., 0000
MICHAEL R. CHILDERS, 0000
MICHAEL J. CHINN, 0000
BRIAN J. CLARK, 0000
ALEXANDER S. COCHRAN III, 0000

JOHN P. CODY, SR., 0000
MARK F. CONROE, 0000
SYLVESTER COTTON, 0000
JOSEPH M. COX, 0000
JUAN A. CUADRADO, 0000
MICHAEL L. CURRENT, 0000
ANTHONY J. DATTILO, JR., 0000
DENNIS J. DAY, 0000
KEVIN J. DEGNAN, 0000
DAVID F. DIMEO, 0000
MARK A. EASTMAN, 0000
BRIAN K. EBERLE, 0000
MARK R. ELLINGTON, 0000
PAUL A. ENGLISH, 0000
KEVIN W. FARRELL, 0000
MICHAEL A. FARUQUI, 0000
TIMOTHY L. FAULKNER, 0000
JOSEPH H. FELTER III, 0000
JAMES C. FLOWERS, 0000
KEVIN D. FOSTER, 0000
VINCENT L. FREEMAN, JR., 0000
PATRICIA A. FROST, 0000
GARY J. GARAY, 0000
ANTHONY D. GARCIA, 0000
KATHLEEN A. GAVLE, 0000
GIAN P. GENTILE, 0000
JESSE L. GERMAIN, 0000
LEE P. GIZZI, 0000
MATTHEW P. GLUNZ, 0000
MATTHEW B. GRECO, 0000
JOHN B. HALSTEAD, 0000
DEBORAH L. HANAGAN, 0000
WILLIAM H. HARMAN, 0000
CHARLES E. HARRIS III, 0000
KEITH B. HAUK, 0000
ERIC P. HENDERSON, 0000
CHRISTOPHER M. HILL, 0000
TIMOTHY D. HODGE, 0000
SCOTT T. HORTON, 0000
JOE G. HOWARD, JR., 0000
PHILIP A. HOYLE, 0000
KEVIN L. HUGGINS, 0000
RODERICK E. HUTCHINSON, 0000
MICHAEL P. JACKSON, 0000
GARY W. JOHNSTON, 0000
BRADLEY E. JONES, 0000
MICHAEL T. KELL, 0000
GLENN A. KENNEDY II, 0000
MITCHELL L. KILGO, 0000
ROBERT C. KNUTSON, 0000
DONNA K. KORYCINSKI, 0000
ANTHONY D. KROGH, 0000
MARK D. LANDERS, 0000
STEVEN E. LANDIS, 0000
WILLIAM B. LANGAN, 0000
LARRY R. LARIMER, 0000
JOSEPH K. LAYTON, 0000
EDWARD D. LOEWEN, 0000
CHRISTOPHER D. LONG, 0000
STEPHEN J. MARIANO, 0000
DANIEL R. MATCHETTE, 0000
PETER J. MATTES, 0000
BRENDAN B. MCALOON, 0000
TAREK A. MEKHAIL, 0000
THOMAS J. MOFFATT, 0000
LOUISE M. MORONEY, 0000
DAVID W. MORRISON, 0000
JAY P. MURRAY, 0000
VINCENT P. OCONNOR, 0000
RICHARD J. ODONNELL, 0000
DEREK T. ORNDORFF, 0000
ORLANDO W. ORTIZ, 0000
LEO R. PACHER, 0000
CECIL R. PETTIT, JR., 0000
CHARLES A. PFAFF, 0000
BRADLEY W. PIPPIN, 0000
LISA K. PRICE, 0000
RICHARD B. PRICE, 0000
JAMES W. PURVIS, 0000
BURL W. RANDOLPH, JR., 0000
KIMBERLY A. RAPACZ, 0000
PATRICK D. REARDON, 0000
SEAN P. RICE, 0000
RANDOLPH E. ROSIN, 0000
EDWARD C. ROTHSTEIN, 0000
BRIDGET M. ROURKE, 0000
JOHN D. RUFFING, 0000
ARNOLD L. RUMPHREY II, 0000
MARIA D. RYAN, 0000
RONALD A. RYNNE, 0000
ROBERT W. SADOWSKI, 0000
JACINTO SANTIAGO, JR., 0000
PHILIP H. SARNECKI, 0000
JEFFREY B. SCHAMBURG, 0000
SCOTT SCHUTZMEISTER, 0000
GLENN G. SCHWEITZER, 0000
DAVID W. SEELY, 0000
STEPHEN S. SEITZ, 0000
RICHARD L. SHELTON, 0000
THOMAS E. SHEPERD, 0000
DAVID W. SHIN, 0000
MICHAEL S. SIMPSON, 0000
DAVID F. SMITH, 0000
TIMOTHY J. STARKE, JR., 0000
ROBERT P. STAVNES, 0000
JOHN M. SWARTZ, 0000
DANA S. TANKINS, 0000
RANDY S. TAYLOR, 0000
PERRY W. TEAGUE, 0000
JOHN M. THACKSTON, 0000
DAVID W. TOHN, 0000
OTILIO TORRES, JR., 0000
PHILIP VANWILTENBURG, 0000
FREDERICK L. WASHINGTON, 0000
RICHARD B. WHITE, 0000
WILLIAM E. WHITNEY III, 0000
ANDRE L. WILEY, 0000
CHARLES H. WILSON III, 0000
AUBREY L. WOOD III, 0000
GREGORY D. WRIGHT, 0000
D0000
D0000
X0000
X0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

STEPHEN W. ALDRIDGE, 0000
RICHARD BETANCOURT, 0000
WILLIAM F. BUNDY, JR., 0000
DAVID M. DONSELAR, 0000
ROBERT J. GELINAS, 0000
DAVID C. GRATTAN, 0000
TRAVIS W. HAIRE, 0000
CHRISTOPHER J. HIGHLEY, 0000
HEATH E. JOHNMEYER, 0000
JASON V. JULAO, 0000
CRAIG E. LITTY, 0000
ERIK T. LUNDBERG, 0000
KEITH MARINICS, 0000
JEREMY A. MILLER, 0000
EDWIN E. OSTROOT II, 0000
LUKE D. SCHMIDT, 0000
JACKIE A. SCHWEITZER, 0000
COLBY W. SHERWOOD, 0000
BRENT C. SPILLNER, 0000
BRIAN C. STOUGH, 0000
CHARLES W. TURNER, 0000
WILLIAM E. WELCH II, 0000
KRISTOFER J. WESTPHAL, 0000

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 11, 2007 withdrawing from further Senate consideration the following nomination:

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2010. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 26, 2007.