



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154

WASHINGTON, WEDNESDAY, JANUARY 23, 2008

No. 10

Senate

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

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

Let us pray.

Eternal Lord God, the author and finisher of our faith, You have done great things for us, filling our hearts with gladness. Today, make us aware of Your past providences that we shall have confidence and courage to face tomorrow and all the days and years to come.

Remind our lawmakers that they need not fear the challenges of the future but simply to trust You to order their steps. Direct their desires and talents that their labors will inspire people with faith, hope, love, and perseverance. May they invest their lives in those enduring values that time and circumstances can neither steal nor erode.

We ask this in the Name of Him who promised to supply all our needs. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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, January 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, JR., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 12:30 today, at which time we will break for the Democratic caucus. As was indicated yesterday, the Republicans are having a retreat at the Library of Congress today. When we come back at 2:15, the Senate will resume consideration of the Indian health bill. There were some amendments offered yesterday, some debated yesterday. We could not arrange a vote yesterday. I do not expect any votes on this bill this afternoon. I have been in close touch with Senator DORGAN. He is trying to work this out so we can complete this legislation quickly. If there are any amendments that Democratic Senators have, I hope they would come and offer them today. That way we can prioritize how we are going to move through this bill.

Mr. President, as I indicated yesterday, we are going to, this evening, start on the FISA legislation to complete that. We are going to finish that legislation this week. That means we are going to have all day tomorrow and all day Friday and, hopefully, not all day Saturday. But we need to finish

this legislation. It is critically important. It is not fair to jam the House. Since we have been refused an extension by the Republicans, we need to finish this legislation now, send it to the House, have a conference, and see what we can come back with as quickly as possible.

As I indicated, it is not fair to do as we did last August and send something to the House: Take it or leave it. We are not going to do that. That is why I am not going to wait until next week to go to this legislation. We have to complete it now. There are strong feelings on both sides of this issue. As I have indicated on a number of occasions, I do not support the immunity provisions that are in the Intelligence bill, but it appears that a majority of the Senate does. That being the case, those people who want to amend the Intelligence bill with that information and that legislation we have from the Judiciary Committee will offer that. I hope they will do it as quickly as possible.

There are a number of other issues other than immunity. I have spoken to Senator FEINSTEIN. She says she has something dealing with immunity she wants to offer. She wants to offer something with exclusivity.

There are a number of other things we need to do. As I have indicated, I would hope that if somebody does not like an amendment, they would move to table that amendment and not try to talk it to death because that being the case, we are going to have to let them talk during the evening. We are not going to have a gentlemen's agreement on: OK, so you don't want this to go forward; we are not going to let it go forward. We are going to complete this legislation as quickly as we can.

MEASURE PLACED ON THE CALENDAR—H.R. 4040

Mr. REID. Mr. President, I have a matter at the desk that is due for its second reading, H.R. 4040.

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



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The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time but alert everyone we are going to try to get to this legislation before this work period ends. We do have a few things to do. It seems the best laid plans sometimes have to be delayed because now we have the stimulus package we have to worry about completing. But this is something I want to do. Senator PRYOR and others have worked very hard. So we are going to move forward as quickly as we can.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

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 for the transaction of morning business until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S. 1200, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1200) to amend the Indian Health Care Improvement Act to revise and extend that Act.

Pending:

Bingaman/Thune amendment No. 3894 (to amendment No. 3899), to amend title XVIII of the Social Security Act to provide for a limitation on the charges for contract health services provided to Indians by Medicare providers.

Vitter amendment No. 3896 (to amendment No. 3899), to modify a section relating to limitation on use of funds appropriated to the Service.

Brownback amendment No. 3893 (to amendment No. 3899), to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Dorgan amendment No. 3899, in the nature of a substitute.

Sanders amendment No. 3900 (to amendment No. 3899), to provide for payments under subsections (a) through (e) of section 2604 of the Low-Income Home Energy Assistance Act of 1981.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for 7 minutes.

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

LABELING CLONED FOOD

Ms. MIKULSKI. Mr. President, I know the Indian health bill is very important. Senator DORGAN will be coming to the floor to lead the advocacy of its passage, which I support.

Mr. President, I come to the floor because I want to share some very disturbing news with you and all of my colleagues. Last week, the FDA gave the green light for cloned foods to enter our food supply.

The FDA announced food from cloned animals, or their progeny, is safe for human consumption. Despite pleas from thousands of Americans, and this Senator, to wait until there was more science, the FDA went ahead anyway.

Mr. President, I want to be clear. I am not opposed to cloning that follows strict scientific and ethical protocols. This Senator has always been on the side of science for the advancement of mankind. This Senator has always been on the side of the consumer and the consumers' right to know, right to be heard, and their right to be represented.

So today I come to the floor for a vigorous call to action that my legislation to label cloned food be passed as quickly as possible. This is a consumer alert today and a call for action.

My bill requires the Government to label any food that comes from a cloned animal or its progeny. Mr. President, my bill requires that the FDA and the Department of Agriculture put a label on this cloned food. The FDA handles milk products. We

say FDA should work on this issue. The Department of Agriculture regulates meat products. That, too, should be labeled.

My labeling bill would insist that cloned food be labeled at the wholesale level, the retail level, the restaurant level, the school lunch level, and the Meals on Wheels level.

My bill allows the American public to make an informed decision. People have a right to know what they are eating. This is necessary because the FDA and the Department of Agriculture have refused to put a label on cloned food. My legislation allows for consumer choice and also, at the same time, it would allow for monitoring of food as it comes into the food supply for postsurveillance to see if there are any negative consequences.

Americans find cloned food disturbing, and some even repulsive. Close to 80 percent of Americans have said they would not drink cloned milk. There is a "yuck" factor to this technology. Right now, under FDA and USDA provisions, there would be no way to tell if food comes from a cloned animal or its progeny. I want the public to be informed, so that is why my labeling bill is for their benefit.

The FDA has been most troubling to me. They made their decision despite two congressional directives—one in the omnibus bill and one in the farm bill. The omnibus bill, which the President signed on December 26, strongly encouraged FDA to hold off on a cloning decision before additional studies were done. On December 14, the Senate overwhelmingly passed the farm bill that would require the National Academy to peer-review FDA's decision.

Now, this was limited to 1 year. So I wasn't talking about a 20-year longitudinal study. I do want more science.

Second, I am concerned if we discover a problem with cloned food after it is in our food supply, and it is not labeled, we will not have any way of monitoring this. It is labeling that allows us to monitor.

The FDA has been very weak in post-marketing surveillance of drugs. Why would they be stronger on cloned food? Who will worry about the ethics? And where is the urgency? We are not facing a global shortage of beef and a global shortage of milk.

I know FDA's decision on the risk assessment is over 900 pages long. Mr. President, I have been skeptical of long reports. I have found that the longer the report, usually the more shallow the information.

My concerns are grave. I am for more science, and I have asked for it responsibly through the legislative process. I am going to continue to advocate for more studies on this issue. In the meantime, I want to protect the consumer and also allow scientists to monitor this new technology.

If America doesn't keep track of this from the beginning with labeling, our entire food supply could be contaminated. I am not opposed to cloning. I