this year, obviously, for 2007, and that is the reimbursement rate. I think it might in the long run be better for them.

I don't see this as onerous on crop insurance. Some say there is going to be this big cut, but that does not apply to 2007 and 2008. By the time we get to 2009, there may not be any cuts at all, as a matter of fact, depending upon what happens with prices. In fact, it may be better. It actually may be better.

In exchange, what we do get is some more money for conservation, for EQIP. We need more money in the EQIP program, the Grasslands Reserve Program, the Farmland Protection Program, as well as the McGovern-Dole Food for Education Program. I think it is a pretty fair tradeoff. If I thought for 1 minute this was going to devastate, destroy, unduly harm the crop insurance industry, I could not support it. But I believe it is a fair and equitable approach and, quite frankly, I think the methodology is much better in the long term. ''Long term,'' what do I mean? Five years? Probably 5, 7, 8 years. It may be better for the crop insurance industry than hooking onto commodity prices.

Quite frankly, thinking back over the years, I find it hard to argue why it should be connected to commodity prices. What does that have to do with reimbursement? What does that have to do with policy numbers? We should have something that will protect our insurance people from undue happenings and events such as that, and I think that is what this methodology does. We took the average of those 3 years and capped it at that. In conference, we can look at putting in an inflation factor.

It seems to me that makes much more sense for the future of the program. As I said, for that we get more money for the conservation programs, the McGovern-Dole International School Lunch Program, and it also lifts the sunset provision on our nutrition program. Right now the increases we put in the Food Stamp Program with the standard deduction and minimum benefit sunset in 5 years.

Someone in the Democratic Caucus said recently to me: Why are we sunsetting in 5 years the programs that go to the poorest people in our country, yet we don't sunset the programs that go to some of the wealthiest people in our country? Fair question. So in order to lift this sunset, we need additional money, and the money we would save would go to lift the sunset provisions on both the standard deduction and the minimum benefit.

For those reasons, I support the amendment.

Mr. President, I yield the floor.

Mr. BROWN. Mr. President, I yield back our time on the amendment. I thank the Senator from Iowa.

Mr. ROBERTS. Mr. President, 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that at 3 p.m. today, the Senate proceed to conclude the debate with respect to the Klobuchar amendment No. 3810, and that the previous order with respect to the vote threshold remain in effect; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Klobuchar amendment; that upon disposition of that amendment, the Senate then vote in the relation to the amendments listed below in the order listed; that there be 2 minutes of debate equally divided and controlled prior to each vote; that after the first vote, the vote time be limited to 10 minutes; with no second-degree amendment in order to any of the amendments covered under this amendment, prior to the vote; that the amendments covered here be subject to a 60-vote threshold; that if any of these amendments achieve an affirmative 60 votes, it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, it be withdrawn: Coburn amendment No. 3530; Tester amendment No. 3666; Brown amendment No. 3819, and that the managers' package of cleared amendments be considered and agreed to, and the motion to reconsider be laid upon the table.

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

Mr. HARKIN. Mr. President, I guess we are going to be in recess for an hour, from 2 to 3 p.m. We will come back at 3 p.m. and finish debate on the Klobuchar amendment. We will have that vote, and at the conclusion of that time, we will have three other votes. There should be four votes in sequence at that time.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 3 p.m.

Thereupon, the Senate, at 1:55 p.m., recessed until 3 p.m. and reassembled when called to order by the Presiding Officer (Mrs. MCCASKILL).

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

AMENDMENT NO. 3810

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of amendment No. 3810.

Who yields time? The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Without objection, the time will be equally divided between the two sides.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Ms. KLOBUCHAR. Madam President, I am here to address my amendment, No. 3810, and I want to talk about the importance of reform to this farm bill.

I was disappointed today when the amendment of Senator DORGAN and Senator GRASSLEY was defeated. It was a very important amendment. In other years, we actually had enough votes for this amendment, before I was here, but we weren't able to muster the votes necessary to block the filibuster. Well, we have one more opportunity, and that opportunity is this afternoon.

America's farm safety net was created during the Great Depression as an essential reform to help support rural communities and protect struggling family farms from the financial shocks of volatile weather and volatile prices. I believe after 75 years, the reasons for that safety net still exist, and I believe the farm bill that came through our committee has some very good things in it. It is forward thinking; it is about cellulosic ethanol. It is about finally having some permanent disaster relief. It is about a strong safety net for America's farmers. But there is one thing missing from this farm bill, Madam President, and that is the kind of reform that we need to move forward.

I want to demonstrate what we are talking about here with our amendment, which is cosponsored with Senator DURBIN and Senator BROWN, and why I think it is so important to this bill. As you know, I come from a farm State. It is sixth in the country for agriculture. I am proud of the work our State does and our farmers, and we have diverse farming. I know some of the farmers in my State may not like this, but the vast majority of them support this reform because they know if we don't reform ourselves, someone else will do it for us.

What I am talking about is farm subsidies going to people who shouldn't have them, such as Maurice Wilder, who is a guy that is very wealthy, and who was the No. 1 recipient of commodity payments from 2003 to 2005. He has collected more than $3.2 million in farm payments for properties in five States, even though his net worth is more than $500 million. We also have $3.1 million in farm payments going to residents of the District of Columbia, $4.2 million going to people in Manhattan, and $1 million of taxpayer money going to Beverly Hills 90210.

Now, what can we do to change this? The first thing we are doing is we are getting rid of the three-entity rule, which cuts down on abuse and allows these payments to go to the people they should go to, and ending the practice of dividing farms into multiple

corporations so that they get multiple payments.

The second thing we could have done—and sadly we defeated it today—was the Dorgan-Grassley amendment, which would have put a limit on the actual payment at $250,000. That is a lot of money where I come from.

But there is a third thing that we still have the opportunity to do today. I ask my colleagues, those who are fiscal conservatives and who really care about fairness in this country, to look at this amendment and think about what we are doing. Right now, under existing law, no matter how much you net in income—and I am here talking about deducting expenses because expenses don't count. So when my colleagues talk about farms that might have higher expenses, those are out of it. This is just adjusted gross income.

So for full-time farmers who have unlimited incomes, they can be making millions and millions and millions of dollars. They still qualify for subsidies. And because we weren't able to get it passed and put a limit on subsidies, they do not have that $250,000 cap. Part-time farmers right now, under existing law, can make $2.5 million, and they get subsidies and marketing loans, since we were unable to pass this limitation today.

The President's number, which came with the administration's suggested agriculture proposal, was a $200,000 limit—a $200,000 limit for both full and part time. The Agriculture Committee in the House is chaired by COLLIN PETERSON of Minnesota, and I wouldn't call him a radical guy. He has been a friend of farmers forever. He put the limit at $1 million for full-time and $500,000 for part-time farmers. And he has recently been saying publicly that he thinks it should go lower than that, especially since we do not have the total limit on subsidies that was contained in the Dorgan-Grassley amendment.

Now, what does the Senate bill do—the bill that came out of our committee? It has not changed for full-time farmers. No reform for full-time farmers. For part-time farmers, very slowly, it gets to a $750,000 limitation in income—for part-time farmers.

This amendment says $750,000 for full-time farmers should be the limit—$750,000 in income on top of expenses. Now, if you have a bad year and you are a big farmer, you are still going to qualify. But if you make over $750,000, that is where there is a cutoff. It is great you are making money—you should put it in the bank—but then you don't qualify for the subsidies. If you are a part-time farmer, under our amendment you can make $250,000 or under, and then you will qualify for the subsidies. And here is where we are talking about these investors, the people who aren't full-time farmers, people making less than 66 percent of their income from farming.

Now, what does this amendment do? Let's consider what it means. If you live in a city, and you have a job as an investment banker and make $2 million a year, you don't get the government checks. Right now you can, but under our amendment you won't be able to. And if you are a full-time farmer, meaning more than 75 percent of your income comes from farming, under current law there is absolutely no limit on your income, and you will still get those government checks. This puts some reasonable limits on the income when you qualify for the government farm subsidy checks. That is what it does.

I have to tell you this: With the kind of budget battles we have ahead of us, we have to look at what we are doing and we have to be thinking: Is this fair? When we have a limited amount of money, Madam President, and we are going to have to deal with Social Security and Medicare and all these issues, if we can't even say, for farmers making over $750,000, we are not going to put some limit on these government checks, I really don't understand how we are going to grapple with these tougher issues. It is a matter of fairness because I believe this money should be going to family farmers.

That is what this system was set up to do. It should be going to the hard-working farmers in this country, not to art collectors in San Francisco and not to real estate developers in Florida. That is all we are trying to do with this amendment. So I would appeal to my friends on both sides of the aisle and suggest that this is our opportunity to act. We have the chair of the House Agriculture Committee already putting in their bill some limits and indicating they may want to go lower. We have an opportunity to be part of that change.

I am going to give the other side some opportunity to speak and save the rest of my time, but I will end with a little holiday story. I thought we needed a little holiday cheer today, on a very difficult day.

My daughter and I, when she was 9 years old, went to see the movie ''Polar Express.'' We watched this fanciful movie, and after we came out, she said to me: Mom, you know, there was one thing in that movie that wasn't true.

And I looked at her and thought, what could it be? Could it be when this big body of water froze over so the train could go over it? Was it when a million elves suddenly appeared at the North Pole? Was that the one thing that wasn't true?

She said: You know, Mom, at the end, when the conductor—who was played by Tom Hanks—says to the little boy: Come on, kid, get on the train. It doesn't matter what direction the train is going, just get on the train. And she looked at me and she said: Mom, it does matter what direction the train is going.

Well, that is what I would say to my colleagues today. It matters what direction the train is going. Are we going to be putting money into the hard-working family farmers in this country or are we going to spend it on real estate developers in Florida who have $5 million to their name or art collectors in San Francisco?

Are we willing to say, change is afoot, and then be agents of change. People in this country want to see change. We heard that in this last election. This is our opportunity; it is our chance to go in the direction of reform. We have done that with so many different parts of this farm bill, and that is why I supported this farm bill in committee, but this is our chance to go in the direction of change. It is a very small incremental step, but it will start us going in the right direction with this farm bill—a direction of reform.

Madam President, I yield the floor, and I ask how much time I have remaining.

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise in opposition to the Klobuchar amendment.

Let me say first that I am disheartened that farm program critics continue to try to lead the general public and our elected officials into believing that there is a vast army of farm program participants who are receiving benefits to which they are not entitled. Stories about people living on the east and west coasts and everywhere in-between receiving program benefits continue to make the headlines. They are used as the poster children of those who do, but should not receive farm program benefits because they are wealthy landowners or millionaires, but more often than not there is no explanation or concrete definition of either.

Home prices have spiraled over the last decade and many families have homes, usually their single largest asset, worth hundreds of thousands of dollars. Individuals receiving farm program benefits obviously have an interest in an agricultural holding somewhere in the country. Hopefully, they also have a 401(k) or some other savings plan that will allow them to retire one day.

More often than not, the type of individual I just described is not a wealthy landowner. They have a home, a farm—which by the way, they might have inherited—and hopefully a retirement plan. They also have jobs and use the income to pay their mortgage, purchase a vehicle, raise their family, and save for college and every other imaginable cost associated with living. Most of the people I know in these situations don't consider themselves wealthy. Most of them will tell you that the adjusted gross income at the bottom of page 1 on their IRS form 1040 doesn't reflect what they would consider to be a wealthy landowner.

Another class of individuals that draws a lot of attention is millionaires. It is pretty hard to figure out who

those individuals are unless you are their accountant. More importantly, I would hope that we all know there is a significant difference between having a million dollars in assets and having an annual income in the millions. In the vast majority of cases, most individuals receiving farm program benefits do not have anywhere near a million dollars in assets or income.

But as I will point out momentarily, it is not about wealthy landowners and millionaires receiving program benefits, it is really about farmers in general, regardless of their economic situation, receiving program benefits.

Let me back up for a moment, and provide some historical context to where we find ourselves today. Prior to the 2002 farm bill there had never been an income test with respect to the eligibility of individuals and entities to receive program benefits. Congress acknowledged those concerns and addressed adjusted gross income—AGI—in the 2002 farm bill. Beginning with the 2003 crop year, any individual or legal entity with an AGI of $2.5 million or more for the 3 prior years was not eligible to receive farm program benefits, unless at least 75 percent of their income came from farming, ranching and forestry operations. We believed that was a good first step and recognized that when it came time to write a new farm bill, as with any provision, we would take another look to see if the limits were appropriate.

The ink was hardly dry on the 2002 farm bill when the ''reformists'' started shouting once again that individuals and entities otherwise eligible for farm program benefits shouldn't receive farm program assistance because they were millionaires or wealthy landowners.

The bill passed by the Senate Committee on Agriculture, Nutrition and Forestry took a positive step to address the issues surrounding AGI. The Committee adopted an AGI provision that reduced the limit to $1 million dollars in 2009, and to $750,000 in 2010 and beyond, unless at least two- thirds of a person's income came from farming, ranching and forestry.

The reform minded AGI provisions adopted by the committee directly answered the calls to ensure that payments don't go to millionaires. We didn't go to $750,000 in the first year—not a reflection of resistance to change, but rather, recognition that land lease arrangements have already occurred with respect to the 2008 crop payment year because here we are in December of 2007, with farmers and ranchers all across America already in the final stages of planning for their 2008 crop year. In some instances—for example winter wheat—they have already got seed in the ground for the 2008 crop year.

In the 2002 farm bill we added a provision referred to as ''tracking of benefits''. This provision required the Secretary to attribute all payments to an individual, a partnership, or another legal entity back to a natural person or what some referred to as a ''warm body.'' The intent of this provision was to provide transparency and allow the agricultural community, general public, media and other interested parties to trace benefits paid to entities, partnerships, et cetera, back to a ''warm body''.

During the committee markup, Senator KLOBUCHAR said she wanted to stop millionaires from receiving payments. She mentioned the names of several persons that had received payments with the obvious reference to laws that needed to be revamped. That might be true if you are referring to the 2002 farm bill, but not when compared to the provisions adopted by the committee to keep these individuals from receiving payments.

I am pleased that there is acknowledgment that the tracking of benefits provision worked as it was intended, as it is obvious she and her staff have researched a certain database Web site that is accessible to the general public. I am equally pleased that the adjusted gross income provision that was included in 2002 also worked as intended.

What I am not pleased about is the mischaracterization that people who are no longer eligible for payments because of the provisions contained in the 2002 farm bill are somehow skirting the system and still receiving payments.

One name that frequently comes up is Scottie Pippen, whom we all know to be an outstanding NBA basketball player. When you look through a certain Web site database you will notice that Mr. Pippen received Conservation Reserve Program payments, CRP as it is commonly referred to, for the 2003 through 2005 program years through an entity named Olympic Land Company Incorporated.

USDA tells me that Scottie Pippen owns 100 percent of Olympic Land Company Inc. Olympic Land Company purchased a farm in 2003 that had an existing CRP contract. Because the contract was in existence prior to the 2002 farm bill, the new AGI limits did not apply. The CRP contract expired on September 30, 2005 and Olympic Land Inc. did not enter into a new contract with the 2002 farm bill AGI provisions obviously playing a role in the decision.

Another name used frequently is Ted Turner, who has extensive agricultural holdings in Montana, New Mexico and other States. Mr. Turner bought property in Stanley County, SD, that had several CRP contracts initiated prior to the 2002 farm bill AGI limitations becoming law. Once again because these were multiyear contracts and entered into prior to the 2002 act, AGI provisions did not apply to Mr. Turner until the contracts expired. These contracts expired on September 30, 2007, and Ted Turner did not enter into a new contract with the AGI provisions obviously playing a role in that decision.

I believe these are just two of many examples where the AGI provisions contained in the 2002 farm bill worked as intended, and what we have done in this bill is reduce that limit by an additional 70 percent. There isn't anyone who can stand before this body today and say that a 70-percent reduction in the AGI test is not real reform.

Landowners and producers often jointly share in the risk and production of the crop in a manner that is normal and customary for the area. When the landowner shares in the production risk, by covering costs such as fertilizer or harvesting, the producer benefits from: No. 1, reduced risk in producing the crop, No. 2, reduced capital requirements, and No. 3, a landowner's greater general appreciation of the operation.

I can tell you what is going to happen as we continue to lower the AGI and it is very simple. Landowners intend to capture a return on their assets and unless there are special circumstances, the landowner is going to change from a share lease to a cash lease. Instead of participating in the risk of producing the crop this policy will shift all of the production risk and input costs onto the back of the producer. The landowner will cash lease the land and walk away with a guaranteed lease payment and the producer comes away from the deal with higher production costs and more risk. Do we really want to make it more difficult for the folks who are actually out there getting dirt under their fingernails, driving the tractor and caring for the land?

I want to repeat again what I said earlier, this debate is not about wealthy landowners and millionaires receiving program benefits. It is really about farmers in general, regardless of their economic situation, receiving program benefits. A few short months ago the debate was about making payments to millionaires and now we are at $750,000 and people want to go even further. This amendment is actually an assault on everyday farmers; but is disguised as an assault on wealthy landowners and millionaires.

I am urging my colleagues to vote no on the Klobuchar amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. KLOBUCHAR. I yield 3 minutes to the Senator from Illinois.

Mr. DURBIN. Madam President, why are we here today? We are here today because we are writing a farm bill. We do that every 5 years—1,360 pages. Why are we doing this? We are doing this because in 1932 a President named Franklin Delano Roosevelt looked out at the farmers of America and said: We have a serious problem. These poor people are going bankrupt and losing their farms because of circumstances beyond their control, because of weather, because of terrible prices. He said: We are going to step in as a government and make a difference. We are going to provide a

safety net so that families who are farming do not lose their farms. Thank God he did it, and thank goodness we continue this tradition through this farm bill.

Every time we argue or debate a bill such as this, we debate it in the poetry of family farms and the heart of American values. But when you take a look inside this bill, you will not find poetry; you will find the prose of corporate farming and people who have decided to use this farm bill to make a fortune. That is the reality.

Many of these so-called farmers are more adept at reaping Federal checks than they are reaping and harvesting any crop known to man. Is what they are doing illegal? No. This bill makes it legal, legal for them to use these Federal farm programs, designed to help the struggling farmers, to make a fortune personally.

I listened to Senator CHAMBLISS talk about the struggling farmers with dirt under their fingernails. Listen, many of the people who are making a fortune off of this farm bill end up at the end of the day with the ink from corporate annual reports on their hands and no dirt under their fingernails—trust me. What Senator KLOBUCHAR and myself and Senator BROWN are trying to say is, shouldn't there be a bottom line where you say: Listen, you are doing quite well in life; the Federal Government is no longer going to subsidize you.

Here is the bottom line. If your adjusted gross income is over $750,000 a year, we say: You are on your own. Good luck. We hope life continues to be very good to you. And we go on to say that the income limit for those who earn less than 66 percent of that income from farming would be $250,000. We will give no more than a quarter of a million dollars of hard-earned taxpayers' dollars to those who are doing very well in life.

Is that an unreasonable standard? At a time when we are waging a war at $14 billion a month, that we do not pay for; at a time that we cannot fund our schools under No Child Left Behind; when this President will not increase Federal research to find cures for diseases facing American families, is it unreasonable to say we should have limits to the amount of money we should pay those who call themselves farmers but, in fact, are just investors?

I do not think it is unreasonable. This amendment is the same as the issue I raised this morning. This morning, by one vote, the Senate decided to continue the subsidy to oil companies in America making record-breaking profits.

The question on this amendment is, Will we continue to subsidize the rich who are using the farm program to get richer?

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. How much time does the Senator have remaining?

The PRESIDING OFFICER. There is 7½ minutes.

Mr. HARKIN. Can I ask the Senator to yield me time?

Ms. KLOBUCHAR. Two minutes.

Mr. HARKIN. How about 3.

Madam President, I am very proud of our bill. We worked very hard to craft a bill. But, you know, any bill needs to be improved when it comes to the floor. I think this is one item where we need to fix it. The bill that came out of committee, we did not do our job in this respect. I wish to echo what the Senator from Illinois said. I think of it this way. If you are a bona fide farmer, more than two-thirds of your income, it could be 70 percent of your income comes from farming, you have no limits. There are no limits. You could have an adjusted gross income of $10 million and you will still get Government benefits. There are zero limits.

Now, again, if your income from farming is less than that, less than two-thirds, then you have an income limit of $1 million, then it goes down to $750,000 in 2010.

The Senator from Minnesota is on the right track. There is absolutely no reason why someone whose bottom-line adjusted gross income, bottom line after they have taken all their depreciation, all their expenses and everything else, bottom line of $750,000, they do not need free Government money.

But I can understand why they are fighting this amendment. Who wants to give up free money? This is free money. Well, if you are going to give free money, then how about giving it to people who deserve it? That is what the Klobuchar amendment does. It takes this savings of $355 million and puts it into the Beginning Farmer Development Program, the Individual Development Accounts Pilot Program for beginning farmers, rural broadband grants, organic agriculture research and extension, Grasslands Reserve Program, community food projects, things that go to help rural America and help our legitimate small family farmers.

So that is why I feel this is one amendment I wish to speak out on as chairman of this committee. As I said, I am proud of this bill. We have put a good bill together. But there is one hole in it we need to patch up, and we need to have at least this amount of reform in this bill, or else people will continue to say: Well, there they go again. They are taking care of the richest and the biggest, the richest and the biggest.

Do you know what is happening now with farm programs? It is similar to a black hole. Do you know what black holes are in astronomy? Those are the things in space where there is so much gravity that nothing escapes, not even light. If anything gets near it, it sucks it in and nothing gets out.

Well, this is akin to what is happening in our farm programs now with this kind of a situation. The bigger you are, the more you get. That is what is happening here. The bigger you are, the more you get from the Government.

Now the more you get from the Government, the better able you are to bid up the price of land around you and buy it. Therefore, you get bigger. Now that you are bigger, you get more Government money, and you can buy up more land, and you get more Government money.

That is why it is similar to a black hole. We have to stop this. This is not in the best interests of rural America. What is in the best interest is the Klobuchar amendment. I mean $750,000, quite frankly, personally I think it ought to be lower. I think if you had an adjusted gross income over $500,000 or $300,000, you ought not be able to get Government programs.

But at least $750,000 is a lot better than what is in the bill. Because the bill says there are no limits, none, $10 million, you still get Government payments, if two-thirds of your income is from farming. That is why the Klobuchar amendment ought to be adopted.

Ms. KLOBUCHAR. Madam President, I thank the Senator from Iowa and the Senator from Illinois. I reserve the balance of my time.

Mr. CHAMBLISS. Madam President, I have one comment on the statement the Senator from Illinois made. Let me make sure there is no misunderstanding because he misstated something. This amendment has nothing to do with amount of payments. This has to do with the eligibility of payments.

I assure you, anyone who has an adjusted gross income of $750,000 from a farming operation, which is required under the bill that is before this body, has invested millions and millions of dollars into their trough in order to be able to achieve that goal, and they probably had a pretty good year to do that.

There is nothing in this amendment that says to that farmer, if you lose all those millions of dollars, that we are going to do something for your benefit. That is what our safety net is all about. That is why this is such a bad amendment.

I yield the balance of the time remaining on this side to the Senator from Arkansas, Mrs. LINCOLN.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Thank you, Madam President. I thank my colleagues for the work we have done on this farm bill. I come to the floor today to urge my colleagues to oppose the Klobuchar amendment.

Listening to my colleague from Minnesota, her description about directions being important does matter. That is why it is important for us to look at the direction we are going in this farm bill. This underlying farm bill that we brought together in the Senate Agriculture Committee has the most substantive reform in the history of a farm bill.

It stands for farmers, for family farmers. It stands for a safe food supply which is absolutely critical. It is a bill

that ensures that in future generations we will have a safe food supply. But we can also go too far in the one direction. I think that is important for us to take a look at.

The Senator from Georgia talked about the fact that these individuals have large operations. Well, if you are farming 1,000 acres of cotton, you are going to have to sign an operating loan at the beginning of your crop year to the tune of about $5 million. That is tremendous risk. How important would it be to have a brother or a son who is going to also cosign that note, who is also going to have access to the ability of allowing the Government to provide those two a safety net, of being able to provide that safe and affordable food supply.

If those individuals are farming and they are getting payments, it means they are getting those payments because prices are low. One year it may be good, the next year it may be bad. We do not need to go in the wrong direction.

The millionaire Senator KLOBUCHAR references from Florida, he should not be out there. If he is worth $500 million, he should have been caught by the last farm bill's initiative. He would certainly be caught by the limits that are in the committee bill we bring to the floor.

I might suggest that from the GAO study we have seen, much of what gets underneath what actually exists is because the existing administration is not implementing the current law. The GAO study tells us that. Well, if they are not implementing the current law, why would we go further in that wrong direction? We have gone critically in the right direction. We have lowered by 70 percent the AGI means test. That is what it is, a means test.

As I stated on this floor so many times during the consideration of this legislation, the underlying bill already contains the most significant farm program reform in the history of a farm bill. We have already included the dramatic reform to this adjusted gross income means test that unanimously passed the Senate Ag Committee.

Prior to the 2003 farm bill, there was no means test that existed for farm programs. However, we knew it was important to eliminate loopholes that nonfarmers used to receive program payments. During the 2002 farm bill debate, we instituted a $2.5 million test. Well, I would ask my colleagues from Iowa and Minnesota, the gentleman who was referenced by the Senator from Georgia, he is not going to be caught if he were to reinvest.

We have not extended this means test to anybody else. The conservation programs are not—I hope the chairman will correct me—the conservation payments will not be corrected by this, they will still remain under the current law at $2.5 million. So they will not even be lowered to what we have lowered it in the committee bill, to 750.

So if we are going to do this, if we are genuine about wanting to put this strong means test and go down that severe direction, then why are we not doing it across the board? Why are we not making that difference? If what we want to do is to create all those savings, then why are we not being fair about it and making it across the board?

In the underlying bill, we have gone further and lowered the threshold to 750,000, and that is a 70-percent reduction, a 70-percent reduction in the AGI test. Before we go further, let's see if that does not work. We went to 2.5 in the last bill, we have gone consistently lower now. If the President is not going to implement the law as it exists, what good would even taking it more extremely down that road do?

I hope we will not forget we have also significantly reformed individual program payment limits on top of which we will sharply reduce benefits to producers who remain eligible under the AGI test.

This is already historic reform. There is no need to hit these farmers with a double whammy. It is also vitally important to remember the purpose of the AGI test we included in the committee bill is to keep rich nonfarmers, the ones my good friend from Minnesota and others continually cite, from receiving farm bill benefits.

But, unfortunately, the Klobuchar amendment would not just ratchet down the AGI limits to rich nonfarmers, it would also sharply ratchet down the support to family farmers, families who come together to farm because they want to share the risk, they want to be able to share the ability to sign that operating loan note or to share the cost of what it costs to purchase that equipment, that seed and that fertilizer, the enormous expenses that go into a capital intensive farm. They want to share those risks.

It would sharply ratchet down their ability to do it. That is not the purpose of an AGI test. That is not the purpose of means testing. Ironically, while the amendment before you would do this to farm families, it leaves wide open another loophole that lets rich nonfarmers continue to collect those huge conservation payments to the tune of $2.5 million, which is the existing law. We do not even correct that.

That is right. It is not across the board. The big elephant in the room no one wants to talk about, that while folks hammer away at farm families in this country trying to make ends meet, other wealthy nonfarmers, such as Scottie Pippen, who was mentioned earlier from my State, who often gets cited, will continue to collect conservation checks.

I do not know why we continue to talk about how we want to ratchet down on family farmers, but we do not want to talk about it across the board in other programs where we are seeing large payments going to very wealthy millionaire nonfarmers.

So I urge my colleagues to do the right thing, vote no on this amendment which hurts family farms while letting some of those rich nonfarmers completely off the hook. If the Senator from Minnesota wants to rid the country of all the sensational stories based on half-truths, I would advise her to apply her test in this proposal across the board to all the commodities and not just target Southern growers yet again.

I would advise caution, though, because I do not think we fully understand the ramifications of true means testing to that degree. On one hand, once we have set the precedent of implementing a means test on farmers, who is to say we will not begin tying a means test to other sectors of the economy that receive Government subsidies and tax breaks, perhaps those who deliver health care, maybe those who receive health care, capital investments, the list could go on and on.

If we are going shortly to means testing where the Government is going to investigate, I would suggest we stop for a moment and pay caution and remember these are the hard-working farm families who provide us a safe and abundant supply of food.

Senator DURBIN continues to talk about unsafe foods coming in. What happens 10 years from now if we put farmers out of business and all of a sudden we are dependent on foreign food just as we have become dependent on foreign oil?

Second, we don't know what our neighbors make. I don't want to know what my neighbors make. If we start seeing our rice and cotton outsourced to foreign countries, we will see the full effect of this means test. The consequences of enacting a means test that is too stringent and disqualifies certain farmers' crops is very dangerous to our farm families. It is like playing with dynamite and seeing how close you can stand to the blast without getting hurt. I ask my colleagues to oppose the Klobuchar amendment.

I do know one thing. If we go too far in the wrong direction without being given the opportunity to better understand what we have done and why certain people are not coming under that test, as a country we are going to regret it. We are going to regret that we have put out of business southern growers who provide 85 percent of the rice we consume in this country. The American people are going to hold us accountable when we become dependent on foreign food that comes from countries that have no regulation on how it is grown, on what is used, no regulation on the water source that may be used, how they fertilize, no regulations such as our farmers adhere to, producing the safest, most abundant, and affordable food supply in the world.

One of the things you can definitely say of the underlying bill that passed the Senate Agriculture Committee unanimously is that millionaire nonfarmers need not apply where this bill is concerned. Going too far in the direction that Senator KLOBUCHAR wants

to take us without understanding what we have already done and how it will have unintended consequences could be dangerous for this country and the families of this country who depend on these working farms for the safe and abundant supply of food they so desperately need.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. KLOBUCHAR. Madam President, how much time remains on my side and the other side?

The PRESIDING OFFICER. The proponents have 3½ minutes. The opponents have 2 minutes 40 seconds.

Ms. KLOBUCHAR. Madam President, the average farmer in my State makes $54,000 a year. I think you see family farmers like that all across this country. That is what this amendment is about. There has been debate about Scottie Pippen and all these people. The USDA has looked at this, the Government has looked at this, and this would save about $355 million. Where is that $355 million coming from? It is coming from full-time farmers who are grossing $750,000 or more, into the millions a year, and part-time farm investors who are making over $250,000 a year. That is where this is coming from.

There has been discussion, which I think is smoke and mirrors, about expenses. Let me make clear, farmers can deduct their operating expenses such as seed, fertilizer, fuel, and labor from their adjusted gross income. When it comes to investment in buildings and equipment, these are capital expenses, and they depreciate over time. That depreciation is deductible. When it comes to land, it works like it does a home mortgage. Your interest is deductible, but your land is something you have that you get value from. When it comes to rented land, the rental cost of the land is fully deductible from adjusted gross income.

I didn't come up with these laws. They are in the Tax Code. They are the law. What this is about is making sure we have some real reform. Because if we don't do it in the farm States, it is going to happen to us. I have said this before, and I truly believe it will happen.

There has been some discussion about what our existing bill does. Let me explain again. The House-passed bill sets it at $1 million for full time, $500,000 for part time. My colleagues have been saying: We have a 70-percent reduction for a part-time farmer. That goes to say, if you start high enough at $2.5 million, anything like 70 percent sounds good. But instead, in fact, the actual Senate bill is only at $750,000 for a part-time farmer.

I have visited hard-working farmers all over my State, visited all 87 counties 2 years in a row. I have talked to them and to farm groups across the country. Do they like this? Well, not totally. They get concerned. What does that mean? I think many of them understand—and I know Senator GRASSLEY knows this in Iowa and Senator DORGAN understands this in North Dakota—that at some point the Government has a limited amount of money. We have to make some decisions. What I am saying is, let's make a decision to help the hard-working farmers of this country to move in that new direction, to cellulosic ethanol and energy independence and good conservation and making sure we have a strong safety net that this farm program deserves. Let's go in that direction to the future and not stay here where we increasingly, as our economy has changed, are giving a larger amount of money to the wealthiest investors. Beverly Hills 90210, $1 million in payments.

I believe in this safety net. I support this farm bill. I will support this farm bill, because I believe in a safety net. But I believe it is time to move to some reform. The people of this country are ready for this reform. The people in our rural communities are ready for this reform. Now, my friends, we have a chance to do it.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, as we close this debate, I want to say thanks to so many Senators who have worked hard to come up with particularly what we brought out of the Agriculture Committee which was an enormously well-balanced bill. We eliminated loopholes that people had complained about. We eliminated the three-entity rule, the generic certificates. We put in transparency that people have been clamoring for in the direct attribution. I remind people that these are all things that apply to the basic commodity programs. Here we go again with going farther in something we have already reformed.

Senator KLOBUCHAR wants to go one step farther in lowering that AGI. But you have to ask the question: Why is it we have to cherry-pick lowering that means testing and AGI just for the commodity programs, so it hits the capital-intensive crops that southern growers grow? Why does it not apply to the conservation payments that go out that are in large numbers? Why doesn't it apply to the sugar program or the MILC program or the ethanol tax credit? It simply cherry-picks those individuals whom they can cherry-pick. That is the commodities program.

My argument to my colleagues is, we have lowered the AGI means test from the 2002 farm bill by 70 percent. Some of the people who were used as examples should be caught. I am not sure why they are not. Maybe it is the reason the GAO study tells us this administration doesn't implement the existing law. But we should make sure that what we are doing in this bill is working before we begin to take a further step and suffer the unintended consequences of putting out of business those farmers who use these programs when prices are low, cherry-picking those commodities that are capital intensive and will suffer the most from this, and not extending this across the board so that everybody feels the pain, so everybody understands what it means when you start putting means testing on programs, when you are dealing with circumstances that are beyond our farmers' control, when you are dealing with weather, trade, global competition?

I ask my colleagues to think twice before they support this amendment and remember that we have done 70 percent in terms of lowering the AGI test. I hope they will oppose the Klobuchar amendment.

Mr. CHAMBLISS. Madam President, 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. HARKIN. Madam 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. Madam President, again, trying to work this through and get our amendments lined up, I have a unanimous consent request, and then we will be on our way to four votes in a row.

Madam President, I ask unanimous consent that the Coburn amendment No. 3530 be modified with the changes at the desk, and that the amendment then be agreed to, and the motion to reconsider be laid upon the table; that upon disposition of the Brown amendment, the Senate then return to the Craig amendment No. 3640, and that there be 2 minutes of debate prior to the vote, with the time divided between Senators CRAIG and LEAHY, and that the Craig amendment be subject to the same 60-vote threshold as is provided for in the previous order.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Madam President, reserving the right to object, I say to the chairman of the committee, I think you alluded to the Craig amendment as 3640. It is 3630.

Mr. HARKIN. It is 3640.

Mr. CHAMBLISS. OK.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. I have no objection.

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

The amendment (No. 3530), as modified, was agreed to, as follows:

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

SEC. _____. PAYMENTS TO DECEASED INDIVIDUALS AND ESTATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not provide to any deceased individual or estate of such an individual any agricultural payment under this Act, or an Act amended by this Act, after the date that is 2 program years (as determined by the Secretary with respect to the applicable payment program) after the date of death of the individual.

(b) REPORT.—As soon as practicable after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and post on the website of the Department of Agriculture, a report that describes, for the period covered by the report—

(1) the number and aggregate amount of agricultural payments described in subsection (a) provided to deceased individuals and estates of deceased individuals; and

(2) for each such payment, the length of time the estate of the deceased individual that received the payment has been open.

Mr. HARKIN. Madam President, here is the situation, for all Senators. We are now going to be having a series of votes. The first vote will occur on the amendment by the Senator from Minnesota, Ms. KLOBUCHAR. That will be a 15-minute vote. The next three votes will be Senator TESTER's amendment, then Senator BROWN's amendment, and then Senator CRAIG's amendment. Those will be 10-minute votes. Each one of these has a 60-vote threshold.

Mr. KYL. Mr. President, I support the Klobuchar amendment because it moves farm policy in the right direction. It would limit commodity program payments for those farmers who earn more than two-thirds of their income from farming, after expenses are deducted, to $750,000.

The amendment, however, has a number of problems. For example, rather than applying the savings achieved by tightening the payment limitations to deficit reduction, it applies most of the savings to other farm programs. It also does not apply the stricter income test to conservation program payments. Nevertheless, the amendment takes a step forward in reining Federal spending on farm subsidies and, therefore, warrants my support.

VOTE ON AMENDMENT NO. 3810

The PRESIDING OFFICER. The question now is on agreeing to the Klobuchar amendment.

Ms. KLOBUCHAR. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative 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 result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 426 Leg.]

YEAS—48

Bayh	Brown	Cantwell
Bingaman	Brownback	Cardin
Boxer	Byrd	Casey
Collins	Kohl	Reid
Dorgan	Kyl	Sanders
Durbin	Lautenberg	Schumer
Ensign	Levin	Snowe
Feingold	Lieberman	Specter
Feinstein	Lugar	Stabenow
Grassley	McCaskill	Sununu
Gregg	Menendez	Thune
Harkin	Mikulski	Voinovich
Johnson	Murray	Warner
Kennedy	Nelson (FL)	Webb
Kerry	Nelson (NE)	Whitehouse
Klobuchar	Reed	Wyden

NAYS—47

Akaka	Cornyn	Lincoln
Alexander	Craig	Lott
Allard	Crapo	Martinez
Barrasso	DeMint	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Pryor
Bond	Enzi	Roberts
Bunning	Graham	Rockefeller
Burr	Hagel	Salazar
Carper	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Smith
Cochran	Inouye	Stevens
Coleman	Isakson	Tester
Conrad	Landrieu	Vitter
Corker	Leahy	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

AMENDMENT NO. 3666

The PRESIDING OFFICER (Ms. KLOBUCHAR). There will now be 2 minutes of debate, equally divided, prior to the vote on the Tester amendment No. 3666.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, this amendment would prevent businesses from using legitimate business justifications as a defense against claims of unlawful practice under the Packers and Stockyards Act. This is clearly a determination that should be left to the discretion of the courts and not summarily decided in advance by Congress. I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I encourage the body to support the amendment. It addresses manipulation in the meatpacking industry. It would stop the meatpackers from using business justifications to create a monopoly or restrain commerce. That is it.

If you want free markets and to support family farmers and ranchers and cow/calf operations, you need to vote for this amendment. I ask for a ''yes'' vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have previously been ordered.

The clerk will call the roll.

The assistant legislative 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 result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 427 Leg.]

YEAS—40

Barrasso	Feinstein	Mikulski
Baucus	Grassley	Murray
Bingaman	Harkin	Reed
Boxer	Johnson	Reid
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Tester
Conrad	Leahy	Webb
Dorgan	Levin	Whitehouse
Durbin	Lieberman	Wyden
Enzi	McCaskill	
Feingold	Menendez	

NAYS—55

Akaka	DeMint	Murkowski
Alexander	Dole	Nelson (FL)
Allard	Domenici	Nelson (NE)
Bayh	Ensign	Pryor
Bennett	Graham	Roberts
Bond	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Hatch	Smith
Burr	Hutchison	Snowe
Casey	Inhofe	Specter
Chambliss	Inouye	Stabenow
Coburn	Isakson	Stevens
Cochran	Klobuchar	Sununu
Coleman	Kyl	Thune
Collins	Lincoln	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McConnell	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3819

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to a vote in relation to amendment No. 3819 offered by the Senator from Ohio, Mr. BROWN.

Who yields time?

Mr. CHAMBLISS. Madam President, the Senator from Kansas, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, this amendment threatens to undermine and kill the Crop Insurance Program so vital to farmers and ranchers. The amendment does not take into account the real world expenses of industry, including the list of the private reinsurers which ensures that the taxpayers do not pick up the risk.

If we endanger this program, many farmers, especially young farmers, will be in danger because their lenders and their landlords demand they sign up for crop insurance.

This is a genuine Kent Conrad chart, the veracity of which is unquestioned. If we look back to 1980, when I first had the privilege of coming to Congress, we had 64 crop insurance companies. We can see what has happened every decade as we further cut investment in crop insurance. We are down to 16. We had a reform with Bob Kerrey in 2000. We expanded it all over the country.

If this amendment is adopted, I am telling my colleagues, it isn't going to be 16, it is going to be 5. Don't support this amendment.

Mr. DURBIN. Mr. President, I rise to speak in support of the bipartisan Brown-Sununu-McCaskill RESCU amendment.

This amendment significantly improves the way we target Federal resources to agriculture—eliminating waste and providing additional investments in important programs. The amendment also redirects hundreds of millions of dollars into deficit reduction that would otherwise subsidize large insurance companies.

As my colleague, Senator BROWN, points out, in the last 7 years crop insurance companies have received 40 cents out of every dollar that Congress has appropriated for the crop insurance program—that is $9 billion out $19 billion for the program. This is billions of dollars meant for farmers that ended up in the pockets of insurance companies. The Brown amendment cuts $2 billion of that spending by lowering the subsidy rate for insurers.

Currently, that subsidy is calculated based on crop prices. As crop prices rise, so does the subsidy—even though the work burden stays the same. Rising commodity prices have driven up premiums so that these subsidies are now over three times what they were 10 years ago, even though the cost of administering the policies has stayed the same.

In other words, it makes no sense.

This amendment reduces the reimbursement rate to the 2004–2006 national per policy average. This level is still higher than any year prior to 2006 and is quite fair to the companies.

A recent GAO report showed that compared to other insurance sectors, crop insurance companies earn profits that are more than double industry averages. I don't have a problem with industry profits, but I don't think those profits should come right out of the pockets of U.S. taxpayers.

This amendment would require that insurers share a portion of their underwriting gains or losses with Federal taxpayers by increasing the Federal share of risk from 5 percent to 15 percent.

The $2 billion in savings would fund over $1 billion in improvements to the Food Stamp Program, $400 million for conservation programs, $200 million for the McGovern-Dole Food for Education Program, and over $600 million for deficit reduction.

Through these changes, we will be able to conserve soil and water quality on millions of acres of farmland, provide real food benefits to a countless number of less fortunate Americans, and make a significant investment in the lives of millions of children from some of the poorest corners of the world.

Farmers will not pay more for crop insurance. This amendment does not reduce premium subsidies to farmers. Premium subsidies are set by law. This amendment does not change them.

I thank my colleagues, Senators BROWN and MCCASKILL, for their hard work assembling this language.

Now, let me just say a few words about the McGovern-Dole Program, which would enjoy increased funding under this amendment.

The amendment would provide enough mandatory money for the McGovern-Dole International School Feeding Program to provide nutritious meals to millions of children each year who would otherwise go hungry.

The McGovern-Dole Program is based on a simple idea that I first read about in an op-ed written by former Senator George McGovern in 2000. The op-ed was titled ''Too Many Children Are Hungry. Time for Lunch,'' and it argued that the fastest way to alleviate poverty in less developed countries is to provide healthy, nutritious meals to children attending school. The principle is simple—by linking school attendance with nutritious meals, you provide an incentive for families to send their children to school to become educated, rather than keeping them at home to work. And as children become more educated and better fed, they grow up smarter, stronger, and better able to earn a living and make positive contributions to their societies.

The statistics are startling. Since it was founded in 2000 by President Clinton as the Global Food for Education Initiative, GFEI, the program has provided healthy meals to more than 26 million boys and girls in 41 countries around the world. Through the program, American-grown wheat, rice, peas, corn, and other crops have been provided to young children in countries as diverse as Afghanistan, Chad, Nicaragua, Nepal, and Senegal. More than 500,000 metric tons of commodities have been distributed since the program's inception.

In communities that have benefited from the McGovern-Dole Program, school attendance rates have increased 14 percent on average and 17 percent for girls compared to similar communities that have not benefited from the program. What is even more amazing than the statistics are the stories about what this program enables in some of the world's poorest communities.

Take my friend Paul Tergat. Paul Tergat is the current world record holder in the marathon. He ran the 26.2 mile race in 2 hours 4 minutes. When Paul was a child living in Kenya, he received free lunches through a World Food Program school feeding program. Without the program, he says he would not have been able to go to school because his parents were too poor. He says it is likely he never would have trained to become an athlete were it not for the generosity of the program.

Like many of my colleagues, I have seen school feeding programs like these in person, and I can tell you they have a transformative effect. I saw the program when I traveled to Kibera in Kenya—it is one of the world's largest slums. Over 1 million people. It is the slum that you see if you have ever watched the film ''The Constant Gardener.'' When you visit, there are people as far as the eye can see, kids playing in the streets, in railway yards, everywhere.

We visited a school in Kibera and saw a feeding program in action. At lunch time, the students were provided with what looked like gruel or porridge—it was a highly nutritious enriched food provided thanks to the productivity of U.S. farmers and the generosity of U.S. taxpayers. The children stood in line patiently, and you could just tell this was going to be their one meal of the day. And they were there in school so they could get that meal. It is these types of stories that make you a believer in the power of school feeding programs. This program is transformative in the lives of vulnerable children around the world. And it promotes U.S. interests around the world. Delivering bags of food labeled as gifts of the people of the United States is a public diplomacy tool that demonstrates the good will and generosity of the American people. It represents the best of our values, and it tells people all over the world who we are and what America stands for. Imagine the possibilities for shaping perceptions of the United States if we significantly increase our investment in the McGovern-Dole Program—the millions more children we could touch at an early, impressionable age and give the most basic gift of a healthy, nutritious childhood.

The McGovern-Dole Program is also good for American farmers and the agriculture industry. In 2005, the program distributed approximately 120,000 metric tons of U.S. commodities. The McGovern-Dole Program is also good for related industries, including processors, millers, packagers, freight forwarders and shippers, as well as U.S. port facilities.

The program serves as one more market for U.S. commodities, which is one reason the program has the support of a wide range of industry groups, including the American Soybean Association, the North American Millers Association, and the National Farmers Union.

This is a strong amendment, and I urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, the Brown-Sununu-McCaskill-McCain-Durbin-Schumer amendment will make the Crop Insurance Program work for family farmers and work for taxpayers. In the last 6 years, $10.5 billion in benefits through the Crop Insurance Program have gone to farmers. It took 19 billion taxpayer dollars to deliver that $10 billion in benefits. Farmers get less than half of the crop insurance money. Of the crop insurance dollars, more money goes to insurers than it does to farmers. We want to take a very small

amount of that and move it to deficit reduction and move it to the conservation programs and move it to the McGovern-Dole Program, something I know Senator ROBERTS supports.

This is not going to mean the Crop Insurance Program is in jeopardy. This will make the Crop Insurance Program work better for family farmers and work better for taxpayers.

I ask for my colleagues' support of the Brown-Sununu-McCaskill-McCain-Durbin-Schumer amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BROWN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative 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 yeas and nays resulted—yeas 32, nays 63, as follows:

[Rollcall Vote No. 428 Leg.]

YEAS—32

Alexander	Harkin	Nelson (FL)
Bayh	Kennedy	Reed
Bingaman	Kerry	Reid
Boxer	Kohl	Rockefeller
Brown	Lautenberg	Sanders
Cardin	Leahy	Schumer
Casey	Levin	Specter
Durbin	Lieberman	Sununu
Feingold	Lugar	Webb
Feinstein	McCaskill	Whitehouse
Gregg	Menendez	

NAYS—63

Akaka	Crapo	Martinez
Allard	DeMint	McConnell
Barrasso	Dole	Mikulski
Baucus	Domenici	Murkowski
Bennett	Dorgan	Murray
Bond	Ensign	Nelson (NE)
Brownback	Enzi	Pryor
Bunning	Graham	Roberts
Burr	Grassley	Salazar
Byrd	Hagel	Sessions
Cantwell	Hatch	Shelby
Carper	Hutchison	Smith
Chambliss	Inhofe	Snowe
Coburn	Inouye	Stabenow
Cochran	Isakson	Stevens
Coleman	Johnson	Tester
Collins	Klobuchar	Thune
Conrad	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Wyden

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 3640

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to the vote in relation to amendment No. 3640, offered by the Senator from Idaho, Mr. CRAIG.

The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, fellow Senators, this is a fundamental private property rights vote. This is what is happening across America. This is what is happening across America in a post-Kelo decision. Counties and cities are oftentimes reaching out into farm country, condemning land, and holding it as open space when it is already open space, and this amendment speaks to that.

Sandra Day O'Connor, in her dissent against Kelo v. New London, said this:

> The fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. As for the victims, the government now has license to transfer property from those with fewer resources to those with more.

The American Farm Bureau, the American National Cattleman's and Beef Growers, and the National Public Lands Council support this amendment. If the Judiciary Committee had responded, and I hoped they would have, we would have a much broader definition as it relates to Kelo and as it relates to the right for eminent domain.

Clearly, the public good is not damaged because entities still have the right for the public good, and that has always been the purpose of eminent domain. But simply to acquire property through condemnation when it is open space, to hold it as open space and to deny the private property owner his or her rights is fundamentally wrong under our Constitution.

I urge support of this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I strongly disagreed with the very conservative, very activist Supreme Court decision on Kelo, but this is not the place to correct that, on a farm bill. If the Senate, or any Senator, wants to introduce legislation to repeal Kelo, then let's take it to the committee of jurisdiction, the Senate Judiciary Committee, and we will hold hearings on it.

There have been no hearings. This amendment does nothing to prevent the Government from seizing private property in order to hand it over to private developers. Instead, it allows governments to seize farmland for a prison but not eminent domain for conservation purposes or a parkland. It is opposed by all the leading conservation groups—the Defenders of Wildlife, the National Wildlife Federation, the Wilderness Society, and on and on.

Now, my commitment to farming is very strong, but I don't want to say let's grab farmland for a prison because we passed legislation that nobody has reviewed, nobody has done anything on. This is a mistake. It doesn't belong in a farm bill.

If the Senate, or any Senator, wants to overturn the Kelo decision, which after all was done by an activist Republican conservative Supreme Court, then we will hold hearings on it.

Mr. BYRD. Madam President, our Government should not be able to confiscate the land of private citizens in a way that is reckless or that benefits the pecuniary interests of private developers at the expense of the public good. That is why I share the concerns of many Americans about the U.S. Supreme Court's decision in Kelo v. City of New London, where the Court held that eminent domain could be used to transfer private property to other private owners for development purposes. However, today, I joined a majority of the Senate in voting against an amendment that would have unduly limited the power of eminent domain by State and local governments because the reach of the amendment was far too broad and its text had not been the subject of hearings before the Senate Committee on the Judiciary. The proposed legislation would have imposed severe Federal sanctions on State and local governments seeking to exercise eminent domain over land for perfectly legitimate and defensible reasons, including for purposes of historic preservation, conservation, to create parks, or to promote recreation or community service. I share the view of most Americans that the power of eminent domain must be exercised in a fair, prudent, and balanced way. Unfortunately, this amendment would not have accomplished that objective.

The PRESIDING OFFICER. All time has expired.

Mr. CRAIG. Madam President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3640. The clerk will call the roll.

The assistant legislative 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 (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 58, as follows:

[Rollcall Vote No. 429 Leg.]

YEAS—37

Allard	Cornyn	Hutchison
Barrasso	Craig	Inhofe
Baucus	Crapo	Isakson
Bond	DeMint	Kyl
Brownback	Dole	Lott
Bunning	Domenici	Lugar
Burr	Ensign	McConnell
Coburn	Enzi	Murkowski
Cochran	Graham	Roberts
Coleman	Grassley	
Corker	Hatch	

Snowe	Sununu	Thune
Stevens	Tester	Vitter

NAYS—58

Akaka	Hagel	Nelson (NE)
Alexander	Harkin	Pryor
Bayh	Inouye	Reed
Bennett	Johnson	Reid
Bingaman	Kennedy	Rockefeller
Boxer	Kerry	Salazar
Brown	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Sessions
Cardin	Lautenberg	Shelby
Carper	Leahy	Smith
Casey	Levin	Specter
Chambliss	Lieberman	Stabenow
Collins	Lincoln	Voinovich
Conrad	Martinez	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Murray	
Gregg	Nelson (FL)	

NOT VOTING—5

Biden	Dodd	Obama
Clinton	McCain	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the message from the House on H.R. 6, the Energy bill; that the pending motion to concur be withdrawn; that the Senate move to concur in the House amendment with the amendment at the desk; that no other amendments or motions be in order; that there be a time limitation of 30 minutes equally divided between the two leaders or their designees for debate only on that motion; that upon the use or yielding back of time, the Senate, without intervening action, vote on the motion to concur; that if the motion is agreed to, the Senate concur in the House amendment to the title and the motions to reconsider be laid on the table; that if the motion to concur is not agreed to, it be withdrawn and the message returned to the desk.

Mr. LOTT. Mr. President, reserving the right to object, if I could ask the distinguished leader to yield, could you amend that to make that 40 minutes instead of 30 minutes because we already have 18 minutes of requests.

Mr. REID. I would add to that, I say to my distinguished friend, that we would have the final 10 minutes prior to the vote, 5 minutes for Senator MCCONNELL and 5 minutes for me, so that will wind up being about 50 minutes.

The PRESIDING OFFICER. Is there objection as amended?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The pending motion to concur with an amendment is withdrawn.

The pending motion is a motion to concur in the House amendment to the Senate amendment to the text of the bill with an amendment which is at the desk.

AMENDMENT NO. 3850

(Purpose: To provide a complete substitute.)

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. There shall be 40 minutes of debate equally divided.

Mr. LOTT. Mr. President, out of the minority time, I ask unanimous consent that these times be reserved for specific Members: Senator DOMENICI, 5 minutes; Senator INHOFE, 5 minutes; Senator STEVENS, 5 minutes; and Senator HUTCHISON, 3 minutes, out of our allocated 20 minutes of time.

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

Mr. LOTT. Mr. President, 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. BINGAMAN. 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. BINGAMAN. Mr. President, I would ask the Presiding Officer, how much time exists on each side in connection with this pending bill?

The PRESIDING OFFICER. Twenty-five minutes on each side.

Mr. BINGAMAN. As I understand, 20 minutes and then 5 minutes for each of the leaders. So I would just speak for 3 minutes at this point and then yield to my colleague from New Mexico, who I know is planning to speak as well.

Mr. President, let me amend my earlier statement. I will take up to 5 minutes, please, if the Chair would advise me at the end of the 5 minutes.

The Senate has a very good energy bill before it. It would take a number of steps that will be viewed over the long term as very major steps in our energy policy.

This is the first increase in CAFE standards in well over 20 years. It has improved efficiency standards for lightbulbs, for lighting fixtures, which will eventually save more energy than all of our previous energy efficiency standards combined. This bill contains permanent authorization for energy savings performance contracts—the single most useful tool for increasing energy efficiency in the Federal Government. It contains a strengthened program for carbon dioxide capture and geological sequestration and a framework for working through issues associated with geologic storage of carbon dioxide on Federal lands. It also contains strong new protections for consumers against market manipulation in oil markets.

The story of this Energy bill is not only one of what we accomplished but also those items we were not able to accomplish.

In the case of the Energy Policy Act of 2005, the biggest issue on which we did not make progress was energy efficiency, especially increased vehicle fuel economy. We have rectified that, or we will be rectifying that as we go forward and pass this legislation and get it signed into law.

For this bill, there were two big challenges we have proven unequal to here in the Senate. In my view, one is, of course, dealing with the very real problem of how to further incentivize the development of renewable energy. I hope we will have a chance to revisit the renewable electricity standard in the new Congress. I also hope we can revisit this issue of tax incentives. We failed earlier today to maintain in the legislation a package of tax incentives which I think is very important for the energy policy of this country.

We have an extremely capable staff that has worked long and hard on this legislation.

The Senate Energy Committee staff—there are many individuals here: Bob Simon, Sam Fowler, Allyson Anderson, Angela Becker-Dippmann, Patty Beneke, Mia Bennett, Tara Billingsley, Rosemarie Calabro, Michael Carr, Mike Connor, Jonathan Epstein, Deborah Estes, Alicia Jackson, Amanda Kelly, Leon Lowery, David Marks, Scott Miller, Rachel Pasternack, Britni Rillera, Gina Weinstock, and Bill Wicker. All of them have done a great job.

Senator DOMENICI's staff has also done a terrific job. Frank Macchiarola, Judy Pensabene, Kellie Donnelly, Kathryn Clay, Colin Hayes, Frank Gladics, and Kara Gleason, among others on his staff I know have done a good job.

The Senate owes a particular debt of gratitude to Senator INOUYE's and Senator STEVENS' staff, who developed the CAFE provisions in this bill. In particular, David Strickland of the Commerce Committee staff deserves recognition for his leadership, skill, and tenacity in negotiating these historic provisions.

Chris Miller, on Senator REID's staff, deserves our thanks for helping with the overall coordination of the bill in the Senate and with the House of Representatives. His counterparts in Speaker PELOSI's office, Amy Fuerstenau and Lara Levison, also put in countless hours attending meetings and helping to coordinate the activities of about 10 different House committees with interests in this bill.

Special recognition also is due to the hard-working staff of the Office of Senate Legislative Counsel on this bill.