Agriculture Committee, and now it is on the Senate floor. For the American people, we need to do this bill.

Mr. HARKIN. Will the leader yield for a question?

Mr. REID. Yes, without losing my right to the floor.

Mr. HARKIN. I thank the leader for his statement. I just want to make sure everyone understands what just happened. As I understand it, the majority leader propounded a unanimous consent request that all amendments to be offered to the farm bill be relevant to the farm bill; is that not correct?

Mr. REID. That is exactly what I said.

Mr. HARKIN. There was objection on the other side. Why would there be an objection to that? We have a farm bill, and we have worked hard. The leader is right. We reached a bipartisan agreement. I daresay none of us like every little bit in the farm bill, but that is the art of compromise. You compromise on these sorts of things and you move them ahead.

I don't know, for the life of me, why there would be an objection to saying that all amendments should be relevant to the farm bill. Let's move the farm bill. I hope people in farm country are watching this. I hope agribusiness is seeing this. I hope people know what is at stake in this farm bill for rural America for specialty crops, for our dairy farmers, for rural development, and I might add the nutrition programs, food stamp recipients, things that we have done good work on in this bill, to provide an underpinning of nutrition and support for some of the least among us. We have done good work in that area. Now it is held up because some people want to offer nonrelevant amendments. For the life of me—and this is my seventh farm bill, counting my time in the House, and my second as chairman—I don't understand why we cannot have a bill. Yes, open it to amendments on the farm bill. If people have amendments on the bill and want to change this, add this, or subtract that, fine. But why should we now debate, as I said, the war?

Can the leader think of any reason we should not just stick to the farm bill?

Mr. REID. I say to my friend, the chairman, and to the ranking member, who have worked well together, I am not saying we are only going to allow Democratic amendments to be offered. I have made it very clear in my presentation to the Senate this morning that I am talking about mischievous amendments not only by Republicans but my colleagues over here.

I also say this of the farm bill: I was listening this morning to public radio as I was doing my exercise. There was one provision that struck me on this bill. Over a billion dollars for fresh fruits and vegetables will go to schools. That may not sound like much to people. I was raised, as everybody knows, in rural Nevada. When I was a boy 9 or 10 years old, the only grocery store in Searchlight burned down. It was never rebuilt. To this day, I like canned asparagus better than fresh asparagus. I love canned peas and canned fruit. The reason is, we never had fresh fruits or vegetables. We didn't have them and could not buy them. We all know fresh fruits and vegetables are better than that heavily salted stuff you get in a can that I am used to eating.

This bill is going to say the kids in Searchlight today are still—there are a few, such as the 7–Eleven you can go to.

Places, such as where I was raised, where there are no stores, but they have some food programs, they are going to be able to have fresh fruits and vegetables on occasion. Isn't that great? I would know—I am using me as a point of reference—what a fresh asparagus is, an apple, an orange. So this is a good bill. It has a lot of warts and pimples on it, but it is a good bill. I only picked one provision.

Why don't we go ahead and try to get this bill passed? I am not trying to play any games with anybody. I am trying to do what I have made a decision on that I think is best for the American people. Do we want to spend all this week on one amendment? People say: How would that happen? Let's go back to the Amtrak legislation. What happened when we went on that bill? As soon as it was open for amendment, bang, out came a tax amendment, and we spent all week on it, Internet tax. I am glad it is done, and that issue has now been sent to the President. He signed it. But we do not have time to do that this week. We must get an appropriations bill to the President. The House is going to work and send us something tonight. The President will wind up getting Labor-HHS later this week, unless we get hung up on some procedural issue.

We need to pass the Defense appropriations conference report, with a CR included in that, this week. So this is no effort on my behalf to try to circumvent rules or procedures. I am following the rules of the Senate to the letter. But I am saying, I repeat, I am doing what every majority leader has done, similarly situated, in recent history.

I said I hope we can deal with this important bill as we focus on efforts to pass an important farm bill. It appears the minority intends to offer unrelated amendments to the farm bill. They will have to wait until later to do that. Hopefully, maybe the time we are here during December, there will be amendable vehicles we can deal with. I hope we can work on this bipartisan farm bill in an orderly, relevant fashion.

So in an effort to keep this debate focused on farm-related issues, I intend to fill the amendment tree, but I will be willing to lay aside pending amendments for Members who wish to offer farm-related amendments to this bill.

I ask the Presiding Officer to lay down the bill.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2419, which the clerk will report.

The legislative clerk read as follows:

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

Pending:

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

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3508 TO AMENDMENT NO. 3500

(Purpose: To strengthen payment limitations and direct the savings to increased funding for certain programs)

Mr. REID. Mr. President, I call up an amendment on behalf of Senators DORGAN and GRASSLEY. The amendment is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. DORGAN, for himself and Mr. GRASSLEY, proposes an amendment numbered 3508 to amendment No. 3500.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3509 TO AMENDMENT NO. 3508

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3509 to amendment No. 3508.

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

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

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect 1 day after enactment.

Mr. MCCONNELL. Reserving the right to object, I wish to make a few comments at this point.

Mr. REID. Mr. President, I apologize to my distinguished colleague. That was actually in my script and I should have done that. I apologize for not doing that. Without losing my right to the floor, I yield to my friend. I apologize.

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

Mr. MCCONNELL. Mr. President, the majority leader is certainly within his

rights to do what we call ''filling up the tree.'' It has certainly been done by majority leaders in both parties over the years. But let's get a picture of what we are talking about.

As I understand it, this is the amendment that has been offered. What my good friend, the majority leader, is saying is that in response to this amendment, the minority, this side of the aisle, will get an opportunity to offer only those amendments the majority leader allows us to offer.

The farm bill is a very important bill. It happens about every 5 years. There are many people interested in agriculture, school nutrition, and energy and others who have an abiding interest in this bill. The minority is going to insist on an open process.

The last time we enacted a farm bill, the Democrats were also in the majority and Senator Daschle was the majority leader. I asked my staff to check on what the procedure was then.

Senator Daschle attempted to limit amendments through early cloture, which is another procedural way to shut out the minority. Three cloture votes failed. They were not supported by the Republican minority. According to my notes, on the third day of consideration, a cloture motion ripened and failed by a vote of 53 to 45. The second cloture vote occurred 5 days later and also failed by a vote of 54 to 43. A third cloture vote failed by a vote of 54 to 43.

Senator Daschle pulled the bill but returned to it later, and after 6 days of floor consideration, the bill passed without a further cloture vote being necessary.

So let's look at the way farm bills have typically been handled. That is the way it was handled in 2002. In 1985, there were 30 rollcall votes; in 1990, 22 rollcall votes; in 1996, 10 rollcall votes; and in 2002, the year to which I was referring in which there were multiple cloture motions filed and cloture not invoked, there were 23 rollcall votes.

I don't know, there may be a few people in the Senate who don't want to pass a farm bill at all, but that certainly is not the view of the Republican leader, certainly not the view of the Senator from Georgia, our ranking member on the Agriculture Committee. But we are going to insist on a fair process.

We can get this bill done the easy way or the hard way. I think a better way to do it would be to understand that a bill of this magnitude is enormously significant, something we only do every 5 years. The Republican minority is going to insist on an open process, which is what we will get to, one way or the other, in going forward. I don't think that is unreasonable.

I thank the majority leader for giving me an opportunity to make some observations.

Mr. REID. Mr. President, this is not a tit for tat. Each time we do the farm bill, it comes at different times in the year and different situations and circumstances. I explained to both the chairman and ranking member that I have no intention of filing cloture this week. But there will be a time we will have to file cloture. We have such a small amount of time left this year and next year with the Presidential elections coming and all the other business we have to do that there will not be five cloture votes on this farm bill. People who vote no on cloture the first time should understand they may not get another chance to vote cloture on the bill, and there will be no farm bill. This is not a threat, it is what we have to deal with in the Senate.

I also say to my friends on the other side of the aisle, once I complete the amendment process, the Republicans have equal authority as I do whether other amendments will be heard. It takes unanimous consent to set an amendment aside, and they have as much control over that as I do. So I am not the ruling authority on that issue. It takes both the Democrats and Republicans to move down the road.

AMENDMENT NO. 3510

Mr. REID. Mr. President, I call up an amendment which is at the desk, to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3510 to the language proposed to be stricken by amendment No. 3500.

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

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

The amendment is as follows:

At the end of the bill add the following:

This section shall take effect 3 days after the date of enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3511 TO AMENDMENT NO. 3510

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3511 to amendment No. 3510.

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

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

The amendment is as follows:

In the amendment strike 3 and insert 4.

MOTION TO COMMIT WITH AMENDMENT NO. 3512

Mr. REID. Mr. President, I send a motion to commit to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. REID moves to commit H.R. 2419 to the Committee on Agriculture with instructions to report back forthwith with the following amendment numbered 3512.

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

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

The amendment is as follows:

At the end of the bill add the following:

This section shall take effect 5 days after the date of enactment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3513

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3513 to the instructions of the motion to commit.

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

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

The amendment is as follows:

In the motion strike 5 and insert 6.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3514 TO AMENDMENT NO. 3513

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3514 to amendment No. 3513.

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

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

The amendment is as follows:

In the amendment strike 6 and insert 7.

Mr. REID. 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. MCCONNELL. 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. MCCONNELL. Mr. President, as I indicated earlier, I am disappointed with the majority leader's announcement that he would fill the tree, which he just did, and not allow the amendment process to perfect the farm bill. Our colleagues on the other side of the aisle have had all year to complete a farm bill prior to September 30, when it

expired. Yet we waited until now, 2 months after the law's expiration, to bring it to the floor. Now we are told by the majority there is too much to do in this final 2 weeks for us to have an open and fair debate on the farm bill. It is another unfortunate example of mismanagement of this Congress.

Furthermore, filling the tree and shutting out amendments is not consistent with previous statements by the majority on this bill. For example, yesterday, Chairman HARKIN reported the farm bill debate would be ''wide open as usual in the Senate.'' The majority leader's own spokesman expected an open debate when he said:

> The farm bill is the last truly amendable vehicle moving through the Senate this calendar year.

But the majority leader's words and actions seem to be exactly contradictory to this promised wide-open process, stating unequivocally yesterday afternoon that we are not going to have an open amendment process on this bill, and he has confirmed that, as we all know, again this morning.

Unfortunately, we have been down this road before. Almost at the inception of the last farm bill debate, as I was describing earlier, then-Majority Leader Daschle filed cloture in an attempt to similarly limit amendments. After only 2 days of debate and only six amendments, a cloture vote occurred on December 13, 2001, even a little bit later in the calendar year than we are in now. Not surprisingly, the cloture motion failed 53 to 45.

Similar to a bird continuing to slam into a paned-glass window, we had a second cloture vote on December 18, 2001, getting close to Christmas, with a similar vote of 54 to 43. Again, on December 19, 1 day closer to Christmas, in 2001. Not surprisingly, the contentious debate took up most of December.

However, after the majority finally agreed to open the amendment process, something that will ultimately be done here, in my view, the farm bill returned to the floor on February 6, 2002, no further cloture votes were necessary, and final passage occurred fairly quickly about a week later.

Let's not beat our head against a wall again this time. One of my favorite old sayings from rural Kentucky is: There is no education in the second kick of a mule. Our Nation's farmers are too important to wait until February.

Finally, look at the farm bill sitting on the desk in front of me. I held it up a while ago. It is quite thick. Reported by the committee less than 2 weeks ago, it totals 1,600 pages. Is the other side of the aisle suggesting this behemoth of a bill cannot be improved by an open amendment process? Surely, that is not the suggestion being made.

I am surprised and disappointed we are in the position we are in. This is not the way the Senate likely will be allowed to work on a very large bill that we only address every 5 years. It is not going to be rubberstamped by fiat.

I am dismayed by the attempt of the majority to ramrod this bill through, especially since the ink on 1,600 pages is barely dry and the administration claims it contains $37 billion in new budget gimmicks and new taxes.

Let's have a fair, open debate. Believe me, I say to my friends on the other side of the aisle, that is the way you get a farm bill completed. Our farmers and rural communities deserve no less and, hopefully, we can get back at the posture we ought to be in on this bill in the very near future.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I agree with my friend from Kentucky. Farmers do deserve more than what is going on here.

You know, I took only one course in logic in college, but I did pretty well in that course. And what I would say to my friend is, it is illogical what he is talking about. A 1,600-page bill that needs to be improved can only be improved—if, in fact, people think it should be improved—by offering amendments to it—amendments to the farm bill. Every farmer and rancher in America should understand we are trying to pass a farm bill. We have said any amendment you want to offer to this big bill, offer it, but it has to be relevant to the farm bill. That is all.

That is not a closed process. It is an open process. How can you have it both ways? The ink is hardly dry on this, is a gross overstatement. This bill has been around for several weeks now—not in its final form, but everyone knows what is in this bill. The tax portion was a little late in coming, but it had been worked on for a long time.

This is a bill upon which Democrats and Republicans agreed. It is a bill that is here by virtue of that bipartisanship. The House has already done their bill, and a lot that is in this bill is in the House bill. So if this bill needs to be improved, let's improve it. Let's improve it. I have said let's offer amendments.

One of the amendments that might be offered, and we have debated it before, is dealing with payment limitations—a bipartisan amendment offered by DORGAN and GRASSLEY, two senior Senators who come from farm States. They think this bill can be made better. What are they doing about it? Offering an amendment. That is what this is all about.

So for people to lament a closed process, look what Senator Daschle did—two amendments before cloture. Mr. President, I don't have any concern about how many amendments are offered, as long as they are relevant to the farm bill. That is all.

Mr. MCCONNELL. Would my friend yield for a question?

Mr. REID. Sure.

Mr. MCCONNELL. I never served in the House of Representatives, but my question is—it strikes me, I would say to my good friend, the majority leader, that he is attempting to act as if he is chairman of the Rules Committee in the House in determining what amendments would be allowed. Under this filling-up-the-tree process, where the majority leader is then positioned in order to allow the tree to be open and select amendments, is it not the case that my definition of ''open'' would probably not meet yours in the sense that you would be, yourself, selecting which amendments would be allowed?

Mr. REID. Mr. President, I have served in the House of Representatives. It was a wonderful opportunity for me to understand the Congress. The House is a great institution but much different from the Senate. In the House, if you are in the majority, you can pretty much do as you want to do. That isn't the way we do it over here.

As I indicated a few minutes ago, the first amendment I offered, I offered on behalf of Senators DORGAN and GRASSLEY. If someone wants to offer another amendment, I don't control that. Any one Senator who wants to offer another amendment, let's take a look at it. I don't control that. It takes consent from both sides, or the pending amendment must be set aside and another offered. I am not controlling that.

That certainly is not like the Rules Committee. The Rules Committee in the House sets what amendments can be offered—usually not very many—and how much debate time they can do on that amendment. That isn't anything like we are doing. What I am saying is, we have this big bill, and a number of people have said it can be improved upon. I am willing to work with the Democrats and Republicans to try to improve it, but it will not be improved by nonrelevant amendments.

I have mentioned some of the suspects that are lurking out there: provisions dealing with repealing the estate tax and getting us out of Iraq immediately. I mean, there are all kinds of suspects there. I am saying, if people want to change this bill, let's try to change it. I am not standing in the way of doing that, Mr. President.

Mr. GREGG. Will the majority leader yield for a question?

Mr. REID. Are you asking a question?

Mr. GREGG. Yes.

Mr. REID. I am sorry, I was preoccupied.

Mr. GREGG. So I am clear as to what the process is now that has been structured, you have used the term it has to be a ''relevant'' amendment. But, essentially, under the present process, is it not true that for any amendment to move forward in this body it would have to move forward on the basis of unanimous consent to set aside the pending amendment?

Mr. REID. The distinguished Senator is correct.

Mr. GREGG. Mr. President, if the majority leader would yield for a further question, essentially, we have set up a process which is extremely constricted. And, in fact, in comparison

with the Rules Committee, it is even more constricted than the House process because any Member—and there are 100 Members in this body—who does not like the fact somebody is going to offer an amendment which might affect their interests—and, believe me, there isn't an amendment that will be offered that would not have opposition on the other side—is going to be knocked down by an objection from that individual Member.

So you have essentially shut the floor of the Senate down because the only amendments that can be brought up would be amendments that would have unanimous consent, which means 100 people have to agree to them. Basically, they are amendments of no impact or significance, relevant or irrelevant.

Mr. REID. I would be happy to respond to my friend. I smile because that is the way every bill comes before the Senate. That is the way it works. Once you lay down an amendment and you want to set it aside, you have to ask unanimous consent to set it aside. Today is no different from any other day. That is the way it works here.

I have bragged about my friend before. He has served in the House, he has been Governor of his State, and he is now a longtime Senator. He knows that. Every time we have a bill here, and you have an amendment that has been laid down, the only way you can set that aside is by unanimous consent. No one Senator can start offering amendments.

So this bill, I say to my friend, is no different than any other bill we have done in that regard. The only difference is, I laid down the first amendment on behalf of Senators GRASSLEY and DORGAN.

Mr. GREGG. Mr. President, if the majority leader would yield further, of course, the end of that sentence should have been: Yes, but I control the ability to allow those amendments to come forward.

And, in fact, it has been made fairly clear that control will be exercised by the leadership in a way that limits amendments that are brought forward to those which are agreed to by the majority leader until we get to the point where the majority leader is going to file a motion for cloture, which, on a farm bill, of course, would most likely be successful because we all know everybody around here is ''in the field,'' so to say. I would not say ''in the tent,'' but they are in the field for the farmer.

So as a practical matter, this is an extraordinarily closed process. Just to use one example, the majority leader said—he threw out, and maybe it was just a throw-away line—estate taxes shouldn't be brought onto this bill because they are not relevant, under the majority leader's terms. If I want to offer an amendment which says we should reform the death tax—which I might like to offer in light of the fact there is a tax title there—I happen to think that has a huge impact on the farming community because, for the most part, it is family farms and small businesses that are most impacted by the death tax. But we have already been told that would not be a relevant amendment.

Mr. REID. Mr. President, any Senator—not me, any Senator—on any bill has the same power I have to stop the setting aside of an amendment to offer another amendment. It is not me. The Senator from New Hampshire can do it, the Senator from Arizona, or the Senator from Georgia can do it. The Senator from Iowa can do it. Any Senator; it is not me.

I laid down the first amendment by virtue of being the majority leader. I have the right to do that. But that is about as far as it goes. Anytime after that, it takes unanimous consent to set aside that amendment. I agree, and offered a consent agreement, that any relevant amendment Senators want to offer, they should be able to do that, and that was objected to. But for my friend from New Hampshire to try to give a little mini lecture on what we are doing is different than anything we have ever done in the past, every day we are on a bill, it happens the way he has described it. Any one Senator can stop another Senator from setting aside an amendment and offering another amendment.

Mr. GREGG. Mr. President I don't want to beat a dead subsidy, so I will constrain myself to this last question.

The point is pretty obvious. Sure, any Senator on any bill can object to setting aside an amendment. That is not the way the institution has ever worked, in my experience. The way the institution works is the amendment process is a free-flowing, Wild West exercise around here, especially on bills such as this, which are huge authorizing bills with a lot of mandatory funding in them. Amendments are simply taken up in seriatim as they are offered.

What will happen now, and the majority leader has been specific about this and very open about this, he is going to limit the ability to bring forward amendments, and the unanimous consent is not going to be granted unless he deems those amendments are relevant to the underlying bill, which means in his context of what is relevant. Well, a lot of us will have different views on what that means, as I pointed out on the death tax alone as an issue.

So this is a process of shutting down the amendment process on the farm bill. The last time we debated the farm bill, we had 245 amendments and 19 rollcall votes, and we were on it for 4 weeks. I think on the first day or the second day of the farm bill debate around here, for those of us who may not be enamored with the bill, even though we know a lot of effort was put into it—because it spends a lot of money, creates a lot of new subsidies and programs, and uses a lot of budgetary gimmicks—we would like to have a much more open process, and I am disappointed we are not going to.

I yield the floor.

Mr. REID. I am not going to, as my friend said, belabor the point, but my friend from New Hampshire has made my case for me—4 weeks, 245 amendments, and 19 rollcall votes. I have no problem with the 19 rollcall votes. I do have a problem with 4 weeks. I do have a problem with 245 amendments. That is why I think we should have a process whereby people offer amendments, if they are relevant, to the farm bill.

In the time we have spent debating this—and we only have 15 minutes before we take our usual weekly Tuesday break—we could have taken up at least one amendment. The people who offered this huge amendment, a big amendment, and we had it described, for me, it is a pretty easy deal. I have been here when this has been debated before. Most everyone who has been here has heard this debate on numerous occasions. So I am sure they will go back, Senators DORGAN and GRASSLEY, and pick out their favorite statements they made before, and they will talk about it again. They do not want a lot of time on it. So we could dispose of this amendment very quickly, as we could most every other amendment on this bill.

But as I say, my friend has made my case for me—245 amendments, 4 weeks. I repeat: I don't have a problem with the 19 rollcall votes, but the only ones stopping the amendment process are my friends who think somehow this is different than other pieces of legislation we have. The difference is I offered the first amendment. And I am very happy, as the chairman of the bill is, and other people on this side of the aisle who are very concerned about the passage of this bill—they want it passed—to be cooperative. If there is something wrong with this bill, offer relevant amendments. If there is something in there you want to cut, that is always relevant, to cut things in a program, at least that is my understanding.

The only ones stopping the amendment process are my friends on the other side of the aisle. They are making a big deal out of nothing.

Mr. MCCONNELL. Would the majority leader yield for a question?

Mr. REID. I yield to my colleague.

Mr. MCCONNELL. The fundamental problem, I would say to my friend, the majority leader, is: What incentive do Members on my side of the aisle who object to the process have to grant consent to set aside an amendment? What incentive do they have?

I would expect, just guessing, the senior Senator from New Hampshire may not be very enthusiastic about the underlying bill. By setting up a process like the majority leader has set up, in which a number of Members on my side believe the process is unfair, what is their incentive to give consent for the

majority leader to set aside an amendment and then allow an amendment of his choosing to be dealt with?

Mr. REID. I would be happy to respond to that. Mr. President, I think there is tremendous incentive. First of all, they could have their amendment heard—their relevant amendment. And there is nothing to stop us from having the managers of the bill sit down and work out a procedure where they can come up with 10 relevant amendments—amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10—to this bill. Do one, do the other, and we can try to work out time agreements on these matters.

So there is tremendous incentive, because I am convinced there are people on both sides of the aisle who have problems with this bill. Some do not like the bill and they want to change it; others want to improve the bill. They want to do that in good faith. So the incentive would be, as I have said to my dear friend, the Senator from Kentucky, to have their amendment and others heard.

There is nothing to prevent the manager of the bill from coming up with a series—I would even go as far as to say my distinguished friend, the Republican leader, if he wants to have the final say with me, if the managers do a good job, I would be happy to include him in the mix. But there is a lot of incentive. We could, in the next couple of days, work out a procedure to get rid of a lot of amendments that are relevant to this bill and would either improve the bill in the mind of some people or make it a little worse, which is the goal some people have.

There is tremendous incentive here, because we could agree to—we might arrive at a point where people say we have had a pretty good opportunity to change this bill; we do not need to do an Iraq amendment; we do not need to do an amendment dealing with firefighters that has no bearing on this bill. In fact, what we need to do is work on making this bill one where people have the opportunity to offer amendments on the farm bill that are relevant.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, let me sum up where I think we are. It has been a very interesting and enlightening discussion. But here is where we are. The Senate is gridlocked on the farm bill because of the decision to fill up the tree. And now where we are, as the distinguished Senator from New Hampshire has pointed out, is that any one Senator, any one of the 100, can object to an amendment being set aside in order to consider another amendment.

What will have to happen at this point is, as it happens every day on virtually every bill, the majority leader and I are going to have to sit down off the floor of the Senate and talk about the way forward, because we will not be able to go forward in our current circumstance because of the decision by the majority to shut out the minority, or contrarily to select what amendments will be permitted. That is simply not acceptable on this side of the aisle.

So it has been an interesting and useful discussion, and I am sure to some C–SPAN viewers quite boring, because it has largely been about procedure.

Nevertheless, that is where we are. We are going to have to do what we do every day in the Senate, sit down and figure out the way forward. The farm bill needs to pass. We hope it passes sometime in the near future. But we are going to insist on a fair process consistent with the way farm bills have been debated in the past.

Mr. REID. Mr. President, I know my friend from Arizona has been here and very patient. I guess the question I would ask—I have been asked most of the questions, but I do not ask any one person to answer this to me. But the question I have is: Why would there not be an agreement to my suggestion, my proposal? Let's debate the daylights out of this bill, offer amendments. What is wrong with that? Is it because there are people wanting to offer unrelated amendments to the bill? I mean, what in the world is wrong with what we are trying to accomplish here? It is a big bill. We do it every 5 years. People should have an opportunity to change it. I think they should do that. Why would they not want us to do that? Is there something I am missing here? I mean, is it their last opportunity to do—as Senator Dole used to refer to as decorating a Christmas tree? Is that what they want to do? Is this their Christmas tree to try to decorate it? I do not understand it.

I say to everyone within the sound of my voice: Do we need on the farm bill amendments relating to labor issues? Do we need amendments dealing with Leave No Child Behind? Do we need amendments relating to environmental issues? Global warming? Do we need amendments dealing with Iraq, the war in Iraq, Afghanistan, or the situation now in Pakistan?

I do not think so. I think we need to work on this bill, get as much of it done as we can this week. I think it will spill over into next week, but in the process, we are going to have to find time to do a conference report on the Labor-HHS bill. That has a rule violation in it, perhaps; we have to do the Defense appropriations bill with the CR. Those are the must-do items.

Now I am not trying, as I have said so many times here, to stop an open amendment process on this bill, except I want them to be relevant. I think most everybody does who has any dealing in this farm bill. I do not expect the ranking member to get engaged in this. He has responsibilities to listen to his leadership, and that is understandable.

I will bet if the truth were known, those Senators who have worked so hard on this bill are thinking to themselves: Now, what has REID said that is unreasonable? What he has said is: I have offered the first amendment, and it is not my amendment. I am not selfish, wanting my amendment to be heard. I have offered a bipartisan amendment that we know must be debated before this farm bill is completed. And then I say, anyone who wants to offer another amendment relating to the farm bill that is relevant: Have at it. I am not going to stop anyone from doing that. I don't think anybody on this side will either.

The Republicans are not having a debate on the farm bill, for reasons that are beyond my ability to comprehend, unless it is the Dole theory of trying to put new lights on the Christmas tree.

Mr. GREGG. Mr. President, I appreciate the majority leader's explanation of his position. But I think in his own explanation he raises the issues on which we are concerned. He has now taken off the table the estate tax. I cannot think of anything that is more relevant to the farmers, to the family farm, than the ability to pass that farm on to your children without having it wiped out by punitive and other inappropriate taxes, the death tax.

He has now taken off the table global warming issues. Well, I have to say from my little knowledge of that issue—I studied it a bit, I have spent a lot of time on it in a couple of narrow areas such as acid rain. Farming is a critical issue in the issue of global warming. What is done on a farm has a huge impact both positively and negatively on global warming.

Then he took off the table the issue of labor, labor questions. Well, in my experience, labor questions have a huge impact on farm policy, especially the immigration labor issues, how you get people who are immigrants to help you pick apples in New Hampshire, and the potatoes in Idaho. That is a labor issue.

So his concept of relevance is an extremely narrow one. But his concept of relevance is going to be the concept that disciplines this floor relevant to amendments being made.

The Senate was never conceived as being the House. This is supposed to be the place where we get into debates, where we exchange ideas, where people throw out a thought on a bill such as this that is fairly significant, and it gets debated, a position. But that is not going to happen on this bill because the majority leader has decided to execute a process which is even more constricted than what would be the House procedure under this similar bill.

It is certainly inconsistent with the traditions of the Senate, on the issue of the farm bills specifically, but on our traditions generally. He used my statistics to support his position. I do not see how he can do that, quite honestly. Farm bills have always involved significant debate on the floor. Why? Because they are huge policy issues which affect a lot of people in this country—everybody who eats, to begin with, and

that is about everyone—and obviously the farm community, which is the producers of food and do an extraordinary job for our Nation. They have always taken a long time on the floor to debate—weeks, usually. And they have always been open for amendments, which is totally reasonable because of the complexity of the bill. They have often brought in issues such as the death tax, immigration, labor, and how you get migrant labor, global warming, and in the case of New England, for example, they brought in the question of these subsidies, which we find a little difficult to tolerate, which are now being expanded to asparagus. There is a crop that needs a subsidy or the walking-around money that has been put in this bill for the purpose of disasters or the fact that there is probably $20 billion of gimmicks put in this bill that are budgetary games or the fact that they have moved mandatory spending over to tax expenditures.

What an outrage on the budget process. They opened a $3 billion add-on in mandatory spending so they could go out and spend that on various interest groups by creating a tax credit. The list goes on and on and on and on.

Why should we not on this bill get into a debate over the issue of tax policy? Because tax policy underlines the way this bill is paid for. The Senator from Arizona has an extraordinarily good proposal on the death tax. Why should that not be on the table here?

The whole issue of AMT should be on the table, in my humble opinion, because there are a number of farmers, by the way, who pay the AMT tax, a number of them. There are going to be a lot more when we bump up to 20 million people paying that tax next year. These are all relevant to this bill, in my humble opinion, of what relevant is.

By the way, in the Senate, relevance is everything when it comes to the open amendment process. We are not functioning under postcloture rules here. Relevant is irrelevant when it comes to a bill on the floor of the Senate. Anything can be amended in any way, and it is an open bill. That is the concept of the Senate.

If somebody wants to put on this bill policies relative to Nicaraguan housekeepers, they can put that amendment on traditionally. That has no relevance at all to the average American looking at it, but it is the Senate's prerogative.

So we are undermining the fundamental prerogative of the Senate and every Member of the Senate, I think in a very damaging way. I am disappointed in the decision by the majority.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I had hoped to ask the majority leader a question here, but I think my question has already been answered, so I will simply make this point.

There may be extraordinarily unique circumstances where once in a blue moon it is important to move a very focused piece of legislation in a very hurried period of time so that the majority is warranted in setting up a process such as that which has been established for this bill, where there are no amendments unless the majority leader says so. But that is not the situation with this bill. It never has been with the farm bill. This is the bill we are debating that we are taking up. And to suggest that the Senator's prerogative to offer any amendment—a lot of times they get voted down because they do not have the support—but the Senator's prerogative to offer an amendment is going to be eliminated through the gatekeeper of the majority leader or any other member of the Senate who can object, is to derogate the basic rule of the Senate and eliminate a basic right of Senators.

I recall not long after I got here, my colleague from Arizona objected to the then-majority on this side establishing a process that was not this drastic, but in some respects limited the right of amendments. He said: The Senate is the body in which any Member has a right to offer an amendment. It will be wrong for us to do that. Our leadership relented, and there were amendments allowed on the other side that got us over that impasse. That is what our minority leader was referring to a moment ago. You cannot impose a sort of dictatorial process where one person gets to decide whether you offer an amendment in the Senate.

Sooner or later that process is going to break down. And on a bill as big as this bill, with as many diverse interests as the Senator from New Hampshire was talking about, it is not right that Senators not be allowed to offer amendments. Again, if they are not good amendments, they are going to be defeated, and they can always be tabled at any time, so they do not have to take up time. If I offered a silly, nongermane amendment, any of my colleagues could immediately move to table that amendment. Assuming it was simply nongermane, that motion to table would presumably pass. That whole thing would transpire in less than half an hour.

So it is not about Republicans trying to take too long or offer silly amendments; it is about the regular process which ordinarily allowed us to offer amendments of our choice, not the choice of another Member of the body. I would hope the majority would reconsider, and that we could, after lunch, proceed with the process that is more amenable to all Senators being able to offer amendments they choose to offer.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I only hope that both the minority and the majority can figure out a way of moving forward with what has been a labor that has taken up both Republican and Democrats for the last 2 years to develop what is a very good farm bill. What the majority leader is attempting to do is to get us into a process where we will ultimately get a farm bill to cross the finish line, which is good for America. I hope the Republican minority can work with us to try to figure out a way forward to get us across the finish line.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FARM, NUTRITION, AND BIOENERGY ACT OF 2007—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. CHAMBLISS. What is the status of the Senate?

The PRESIDING OFFICER. Amendments submitted to the bill.

Mr. CHAMBLISS. I am sorry?

The PRESIDING OFFICER. Amendments are pending to the bill.

Mr. CHAMBLISS. I ask unanimous consent that three speakers—Senator SALAZAR for 20 minutes, ALEXANDER for 15 minutes, and DORGAN 20 minutes—go in that order.

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

The Senator from Colorado is recognized for 20 minutes.

Mr. SALAZAR. Mr. President, I rise in strong support of the 2007 farm bill. Before I go to the specifics of the bill, I wish to acknowledge those who have worked so hard in getting us where we are today.

This has been a huge undertaking spread out over several years, starting under the leadership of Senator CHAMBLISS and his work in the Agriculture Committee. The hearings he held around the country, the hearings he held in the West and the Southeast, all over, contributed greatly to the bipartisan product that is before the Senate today. In addition, the leadership of our chairman, Senator HARKIN, a man from farm country whose heart and soul are about making sure agriculture and rural America thrive—his leadership and the help of his staff in getting us to this point today is something we all must acknowledge and something for which I am grateful and something for which the farmers and ranchers in rural Colorado are grateful.

I also acknowledge both Senators BAUCUS and GRASSLEY and their leadership on the Finance Committee. The energy and specialty crops and conservation pieces of the farm bill have been significantly enhanced by the actions taken by the members of the Finance Committee. Without the leadership and bipartisan example of Senator BAUCUS and Senator GRASSLEY, we would not be where we are today.