

a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

#### RECOGNITION OF THE MAJORITY LEADER

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

#### MEASURES PLACED ON THE CALENDAR—S. 2436, S. 2440, S. 2441

Mr. REID. Mr. President, there are three bills at the desk due for a second reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will read the bills by title for the second time en bloc.

The assistant legislative clerk read as follows:

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

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

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

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

#### SCHEDULE

Mr. REID. Mr. President, we will be in a period of morning business for 1 hour, with the time equally divided as usual, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of the farm bill. There has been tremendously good movement on that. All the Republican amendments have been offered. Five Democratic amendments have been offered. We are going to set up a program for voting on these.

For example, some of the most controversial, the one we thought would be controversial that Senator DOMENICI has offered regarding the renewable fuel program, I think probably we can take that. So I think progress can be made.

We have Senator COBURN who has offered a number of amendments. Senator GREGG has offered a number of amendments. But we can set up a voting schedule for those. I think we have every indication that we can complete this bill before we leave and hopefully have it go to conference.

I have spoken to the Republican leader about the conference. We have an idea of how we can do a conference in

this instance. While in some others it could not be done, I think in this instance there is a way we can have a real conference. I hope that is the case.

Under an order entered last night, the Senate will debate the Lugar-Lautenberg amendment for 3 hours. The vote in relation to that will occur sometime after the Senate returns from the caucus recess period today. That will be the first vote today. There could be other votes this afternoon. I will talk to the Republican leader about that. If we cannot schedule more votes this afternoon, we will schedule a load of them in the morning.

A lot of work remains to be done. Members can expect long days as we continue to work toward Christmas, which is 2 weeks from today.

The Senate will recess for the caucus lunch period from 12:30 to 2:15 p.m.

During the next 10 days, we have a lot of work to do. As I have indicated, we are going to try to finish the farm bill. We are going to try to make a significant effort to try to complete our intelligence legislation. We have the AMT which is still pending. Although we have passed it here, we understand the House is going to give us something dealing with that. We have to do our work on that.

We have energy legislation. We are trying to work through that, and we also have our spending. I have had a conversation with the Republican leader this morning on that, and while things do not appear as hopeful as I wish, I am kind of reminded of President Lincoln. If you go to the Lincoln Memorial, you see on the wall the carved words of his second inaugural address, which is so prophetic and so strong, where he talks about both sides are praying to the same God, praying for different results.

You know, I, of course, am confident we are trying to do the right thing on the farm bill, FISA, alternative minimum tax, our spending programs, but I am realistic enough to know there is hopefully some way in between to work all this out. Even though we are all hopeful that our side is right, I have come over the years to learn there is usually some way of working through these things, although this is pretty difficult duty we have now to complete our work in the next few days. I hope we can do that.

As the end of 2007 continues to draw near, we have, as I have indicated, a tremendously busy work period ahead of us. We hope to complete action on the appropriations process which will require the White House, along with House and Senate Republicans, to be responsible and reasonable in the pursuit of common ground.

We will work to complete the Energy bill with the bipartisan compromise that will take our country toward lower energy prices for consumers and a cleaner environment.

We will work to complete FISA legislation to ensure that we have the tools to fight terrorism with fair and, yes,

constitutional tools, and pass legislation that will fund this Government. We know we are going to have to do a very short CR, continuing resolution, to keep the Government open. Hopefully that will be for a matter of days and certainly not multiple weeks.

I look forward to some bipartisan progress. I hope that can be done.

#### DESTRUCTION OF CIA TORTURE TAPES

Mr. REID. Mr. President, I wish to speak this morning about another issue that concerns not just Democrats but members of both parties and our entire country. It is often said that a man has nothing but his reputation, his honor, and his integrity. I believe that to be the case. This is true not just for men but for countries.

In a thousand years, in a hundred years, when historians write the story of these early days of America, they will, of course, write about our great cities, our military and, of course, our economy. But the real story will be of a young Nation, unique among its global peers, because it has stood for liberty and justice, not just with words but with deeds. The true measure of America is our moral authority. Over the past 7 years, that authority has been significantly damaged: the war in Iraq that did not have to be waged; a CIA agent exposed to harm for telling the truth, Valerie Plame; a Justice Department in shambles with Attorney General Gonzales; the treatment of prisoners held up to no standard except the daily whims of a few people, Abu Ghraib, water torture. But now the word is that the CIA destroyed tapes from some of these interrogations. It has been acknowledged that the interrogations were by using water torture, something that originated in 1492 by Queen Isabella and King Ferdinand in the Inquisition. Here it is hundreds and hundreds of years later, and great America has reverted to what took place in the Inquisition.

The damage to our moral authority will matter to history books, but, more importantly, it matters right now. It puts our troops at greater risk if captured, impairs our relationship with nations that ought to be our allies, it impedes our ability to fight an effective war on terror, it creates terrorists.

This latest news of destroyed tapes raises far more questions than we have answers. For example, who is responsible for destroying these tapes? Why? Was something being covered up? The possibility of obstruction of justice is very real. The American people deserve a full accounting for what took place and answers for all of these questions.

Will that eradicate what has gone on over the last 7 years? Of course not. But it will help. Chairman ROCKEFELLER has launched an investigation in the Senate Intelligence Committee. I am happy that the Intelligence Committee has been working on a bipartisan basis. That is good. Senator BOND

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

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

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

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### MOVING FORWARD

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

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

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

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

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

The Senator from Texas.

#### ORDER OF PROCEDURE

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

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

#### APPROPRIATIONS

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

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

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

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

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

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

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

UNANIMOUS-CONSENT REQUEST—S. 2340

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

The ACTING PRESIDENT pro tempore. Is there objection?

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

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

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

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

The ACTING PRESIDENT pro tempore. Objection is heard.

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

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

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