

We welcome these pastors, and particularly we welcome Dr. Swanson today to the Senate.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period for the transaction of morning business for 1 hour, with the first half controlled by the majority and the second half controlled by the Republicans. Following morning business, the Senate will resume consideration of the veto message on H.R. 1495, the Water Resources Development Act. There is 30 minutes of debate on the veto message. Senators BOXER and INHOFE will control 7½ minutes each, and the other 15 minutes in support of the veto is under the control of the Republican leader or his designee.

For planning purposes, Members can expect a rollover vote on the veto override about 11:40 this morning. As I have indicated, we will vote on the President's veto override. The House of Representatives voted yesterday 361 to 54 on the veto override.

This is one of the bipartisan measures we have done. We have had Senators BOXER and INHOFE working together on legislation, which any day should be a day of celebration, and they have worked so hard on this legislation. I am confident Members on both sides of the aisle will support the two managers.

Later this afternoon, we will receive the Defense appropriations conference report from the House which will include a continuing resolution to keep Government agencies funded until the middle of next month. We hope to reach agreement so we can dispose of that matter quickly and send it to the President today. It is essential we do this quickly so we can send our men and women in uniform, who have sacrificed so much in Iraq and Afghanistan and around the world, the support they deserve. It is about \$470 billion.

Finally, I have had some discussion with the distinguished Republican leader to try to work out an agreement to dispose of the Mukasey nomination. I thought I had that all worked out. Last night, a little wrinkle appeared, but I hope we can reach agreement on that today as well.

RECOGNITION OF THE REPUBLICAN LEADER

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

MAKING GOOD PROGRESS

Mr. MCCONNELL. Mr. President, let me just say that I will be working with the majority to facilitate passage of both of those items he mentioned. We are looking forward to making good progress today.

MEASURE PLACED ON THE CALENDAR—S. 2318

Mr. REID. Mr. President, S. 2318 is at the desk. I ask for its second reading.

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

The legislative clerk read as follows:

A bill (S. 2318) to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax and to permanently extend the reductions in income tax rates, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

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

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, the Senate will now proceed to a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Montana.

DISASTER ASSISTANCE PROGRAM

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Disaster Assistance Program in the farm bill.

From the beginning, farming has been hard work. In the Book of Genesis, for example, God told Adam:

[T]hrough painful toil you will eat of [the land] all the days of your life . . . By the sweat of your brow you will eat your food.

Drought and floods, frost and hail have plagued farmers ever since. It is hard work, yet they stick to it. It is vital work to put food on America's table. It has been true since Adam: All farmers suffer disasters. In farming, it is not a matter of if, it is a matter of when.

For example, early this year, Congress passed yet another ad hoc disaster assistance package, and I was proud to back that package. But for some farmers, it was too little; it was too late. Producers are still reeling from disasters that occurred 2 years ago. For some producers who had a disaster in the spring of 2005, assistance will not come until late 2007 or early 2008.

Today is November 8, and the regulations for that disaster bill we passed in May have not even been published. Yet some Senators are already calling for an extension of that disaster bill through 2007 to cover this summer's

crops. Unfortunately, if history repeats itself, Congress will get around to passing another disaster bill around 2010. This is no way to provide disaster assistance.

I wish to show a picture of Dave Henderson's farm in Cut Bank, MT. Dave is probably one of the best farmers in Montana. Just look at his lush field of grain. This is what Dave's wheat and barley fields typically look like. During a normal year, Dave raises about 35 bushels of wheat per acre and about 54 bushels of barley per acre. That is normal—35 bushels of wheat and 54 bushels of barley. But 2007 was anything but normal for Cut Bank, MT.

From October 1, 2006, through September 1, 2007, Cut Bank received 2 inches of rain. We can see the picture on the left, the result of that lack of rain. You don't raise a crop with 2 inches of rain all season.

On my right is a picture of a normal year, and on my left is what happens when there is no rain, about 2 inches over most of the growing season. That is all he received.

This fall, Dave harvested about 4 bushels of wheat per acre, and his barley averaged about 3 bushels per acre. You cannot pay your bills when your crop is about 10 percent of normal. How much assistance do you think Dave received from the disaster bill we passed in May? What do you think? The answer is nothing. Why? Because he did not plant before the February 28 cutoff date. Consider this: If Dave had planted winter wheat instead of spring wheat, he would have received a disaster payment. But he didn't. He planted spring wheat instead of winter wheat, so he didn't get a disaster payment.

Congress can do better for our farmers. Because of Dave and thousands of farmers and ranchers across the countryside, I am proud we included a reliable disaster program in our farm bill. In the future, farmers will know that if they suffer a disaster, help will be on the way. It won't make them rich, but it will help them get by.

I am proud and grateful for the support of the disaster program we have in our farm bill, the support it has received from all around the countryside and from a broad range of agricultural groups.

I have a letter, which I am showing, from the National Farmers Union signed by over 50 groups from all across our country. This letter is signed by 50 different farm groups. We can see the whole list. I know the print is a bit small: National Farmers Organization, Ohio, Oregon, Pennsylvania, ARCAF, just to name a few. It is a large group: American Farm Bureau, Cape Cod Cranberry Growers, Texas Sheep and Goat Raisers Association, National Grape Cooperative Association, and the Independent Community Bankers of America.

Why bankers? They have just as much at stake as farmers do. They rely on each other. Bankers will more likely give a loan to a farmer if he thinks

the farmer is going to have some kind of income with a crop or reasonable disaster assistance program. But a banker is less likely to provide that loan if it looks as if that farmer is not going to have any income or if there is not a good disaster assistance program, assuming if there is hail, drought, or whatnot.

I have another letter of support from the National Cattlemen's Beef Association representing cattle ranchers all across the country, showing a broad array of support. It is not just farmers but also livestock producers who very much want and support the agricultural Disaster Assistance Program that is in the farm bill. These letters demonstrate how important reliable disaster assistance is to all sectors of agriculture. It doesn't matter if you are a cattle rancher in Montana or a cranberry grower in Cape Cod; when disaster strikes, this program will provide a reliable safety net.

One more interesting point. In addition to helping farmers, the disaster program in the farm bill is good for taxpayers. The program is only available to farmers who purchase crop insurance, and that is why it is also good for taxpayers. Let me explain that a little more.

Those farmers who purchase high levels of insurance are eligible for more assistance when they face natural disasters. If you purchase low levels of insurance, you get probably less assistance. The program, therefore, creates a powerful incentive for farmers to purchase high levels of crop insurance and take measures to manage their own risk. When farmers purchase crop insurance, taxpayers save money on disaster assistance.

Now, I will put up a chart that shows this a little more graphically, by definition. This graph compares the disaster payments made to sample Midwestern farms that are under both the ad hoc and new disaster program. The ad hoc is in blue, and in the disaster program, in the farm bill, the bars are in red. Under the ad hoc disaster bills, farmers' payments would have been about \$9,000 for a 75-percent crop loss—\$9,000 for a 75-percent crop loss—compared to only \$3,000 under the new program. If you had a 50-percent crop loss, the ad hoc payment would be \$3,400 but, under the new program, \$3,300.

You might ask: What in the world is going on? Why in the world would we, in our farm bill, provide disaster assistance at the lower level, with a 75-percent crop loss, than in the ad hoc program? As I mentioned earlier, it is because of crop insurance. You are more likely to get more assistance when you purchase crop insurance. That is a good thing. That saves taxpayers money because we will be paying out fewer dollars under the disaster program.

The program also saves taxpayers money by basing payments on whole-farm losses. In the past, disaster payments were based upon losses to individual units or individual crops on the

farm. Farmers were never asked if the farm's other units or their crops had bumper harvests. So it was based on a unit. One crop disaster got payment in the ad hoc disaster programs, even though your whole farm was doing real well on a net basis. You may have had hail to a small part, but the rest of the place was great. That often happens in my part of the world. That doesn't make sense.

So we have changed that disaster assistance based on the whole farm on a net basis, and I think that is fairer to the taxpayers. The program will look at all the crops on a farm and only provide assistance if the entire farm has suffered a loss. When disaster payments are based on whole-farm losses and not individual unit losses, taxpayers save money and assistance is delivered to those who need it the most.

In closing, our farmers deserve a disaster program that is dependable, that is timely, and is equitable. Our taxpayers also deserve a program that is fiscally sound and requires farmers to manage their risk; i.e., crop insurance. This disaster program accomplishes both. It is a win for agriculture and it is a win for taxpayers.

I strongly urge my colleagues to reject any attempt to weaken or cut the disaster program. Farmers such as Dave Henderson deserve better, farmers producing in other parts of the country deserve better, and our taxpayers deserve better.

I yield the floor, and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent to have printed for the RECORD the letters I referred to earlier.

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

NATIONAL CATTLEMEN'S
BEEF ASSOCIATION,

Washington, DC, November 1, 2007.

Hon. MAX BAUCUS,
U.S. Senator,
Washington, DC.

DEAR SENATOR BAUCUS: On behalf of the National Cattlemen's Beef Association (NCBA), and the farmers and ranchers it represents across the Nation, I am writing to express support for the Permanent Disaster Relief Trust Fund that was approved by the Senate Finance Committee earlier this month as part of the Heartland, Habitat, Harvest and Horticulture Act of 2007 (S. 2242). It takes nearly two years for a cow to produce her first calf, and a significant amount of effort and expense is invested in each breeding animal. For this reason, the impact of natural disasters such as hurricanes, wildfires, tornadoes, blizzards, floods or prolonged drought can be particularly

stinging for cattle producers. Appropriate and timely agricultural disaster assistance from the permanent disaster relief program will provide critical assistance to producers when they need it most.

In the past, Congress has moved to pass disaster assistance on an ad hoc basis in an effort to help those impacted by catastrophic weather events. It has become abundantly clear, however, that this reactive system of addressing agricultural disasters is no longer an effective or viable means of providing timely aid when it is needed. Producers struggle with difficult management, movement and sale decisions in the midst of a disaster, and the situation is only worsened by the uncertainty that accompanies legislative action. Natural disasters will continue to occur, and NCBA submits that a different approach is needed. While the Permanent Disaster Relief Trust Fund is not perfect, it represents a significant step toward prudent fiscal planning that will serve the interests of both Congress and beef producers.

Livestock producers are accustomed to dealing with adverse weather conditions, and most do their best to plan for them. In fact, beef producers have actively sought out measures to mitigate their risk of loss in the case of weather related disasters. An example would be strong producer participation in the Risk Management Agency's (RMA) Pasture, Rangeland and Forage Insurance Pilot Program, which was made available just last year to provide livestock producers in certain geographic areas with a mechanism to insure against losses in forage production. Cattle producers applaud the objectives of this program, and NCBA is committed to working with RMA and others to ensure that workable risk management tools are available to producers.

Nevertheless, during periods of extreme and prolonged disaster, access to Federal disaster assistance programs is important to the viability of many livestock operations. In the most devastating instances, when producers have experienced tremendous grazing forage losses or even livestock mortalities, the Permanent Disaster Relief Trust Fund will provide crucial support as producers struggle with additional expenses for supplemental feed, grasslands restoration and herd rebuilding.

There will no doubt be challenges in implementing the permanent program, and it is likely that some provisions will need refinement. But, the central tenets of the Permanent Disaster Relief Trust Fund, such as no disincentives for the development and adoption of other insurance and risk management options, eligibility criteria based on actual livestock and/or forage production losses and requirements that any disaster assistance funds are to be directed to only those producers directly impacted by disaster conditions, are a step in the right direction.

There is no 'silver bullet' solution to addressing agricultural disaster assistance, but NCBA appreciates your efforts on this issue. We look forward to working with you to see the inclusion of this program in the 2007 Farm Bill as it moves through the Senate.

Sincerely,

JOHN QUEEN,
President,

National Cattlemen's Beef Association.

NOVEMBER 5, 2007.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: Each year, weather-related disasters are likely to occur in many communities across the country. While ad hoc assistance has always been appreciated in the past, the 2007 Farm Bill presents an opportunity to establish a predictable program for future disasters. We urge you to support

the Supplemental Disaster Assistance Program and oppose any efforts during floor consideration of the 2007 Farm Bill to redirect funds away from the disaster program.

According to the Congressional Research Service, 34 ad hoc disaster packages have been approved since fiscal year (FY) 1989, totaling \$59 billion. Each approved measure requires the U.S. Department of Agriculture (USDA) to recreate an implementation plan that often results in new guidelines and sign up requirements. A standing disaster program will ensure a consistent and reliable implementation strategy is in place for any future weather-related disaster. Furthermore, the program works in concert with current risk management programs, such as crop insurance and the Non Insured Assistance Program, by requiring producers to purchase coverage and providing an incentive to purchase higher levels of coverage.

Many of our organizations have expressed strong support of ad hoc disaster assistance in the past, but have witnessed the increasing difficulty in securing help. Earlier this year, Congress approved emergency ad hoc disaster assistance for losses that occurred in 2005, 2006 or 2007. Unfortunately, the assistance is just now reaching producers for losses sustained in 2005, which is a long time to wait.

Again, we urge you to support the Supplemental Disaster Assistance Program and oppose any efforts to redirect resources to other farm bill programs.

Sincerely,

Agriculture Committee of the Midwestern Legislative Conference of CSG.

American Agriculture Movement.
American Association of Crop Insurers.
American Beekeeping Federation.
American Corn Growers Association.
American Farm Bureau Federation.
American Sheep Industry Association.
American Soybean Association.
American Sugar Alliance.
California Dairy Campaign.
California Farmers Union.
Cape Cod Cranberry Growers Association.
Colorado Wool Growers Association.
Idaho Wool Growers Association.
Independent Community Bankers of America.

Iowa Farmers Union.
Kansas Farmers Union.
Maryland Sheep Breeders Association.
Michigan Farmers Union.
Montana Farmers Union.
National Association of Farmer Elected Committees.

National Association of State Departments of Agriculture.

National Barley Growers Association.
National Bison Association.
National Cotton Council.
National Family Farm Coalition.
National Farmers Organization.
National Farmers Organization-Wisconsin.
National Farmers Union.
National Grape Cooperative Association.
National Sunflower Association.
North Dakota Farmers Union.
Northeast States Association for Agricultural Stewardship.

Ohio Farmers Union.
Oregon Cattlemen's Association.
Pennsylvania Farmers Union.
R-CALF United Stockgrowers of America.
Ricebelt Warehouses.
Rocky Mountain Farmers Union.
South Dakota Farmers Union.
Southern Peanut Farmers Federation.
Texas Sheep & Goat Raisers Association.
United Dairymen of Arizona.
United States Cattlemen's Association.
U.S. Canola Association.
U.S.A. Dry Pea & Lentil Council.
Washington State Sheep Producers.

Welch's.

Western Peanut Growers Association.

Wisconsin Farmers Union.

Women Involved in Farm Economics.

Wyoming Wool Growers Association.

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

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

The legislative clerk proceeded to call the roll.

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

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

WATER RESOURCES DEVELOPMENT ACT

Mr. ISAKSON. Mr. President, I wish to rise and speak on the Water Resources Development Act, and I wish to, first of all, thank Chairman BOXER and Ranking Member INHOFE of the EPW Committee for all the work they have done on the WRDA—Water Resources Development Act—and I wish to particularly thank my colleague, MAX BAUCUS, as he is chairman, and I am the ranking member of the subcommittee overseeing the Corps of Engineers and the Water Resources Development Act. I voted for it on the floor, and today, when the vote comes to override the veto of the President, I am going to vote to override the veto. I wish to enter into the record today, specifically and candidly and briefly, exactly the reasons why.

No. 1, the Water Resources Development Act is an authorization, not appropriations. To characterize it as overspending is not correct because it is the appropriations bill where we do that.

No. 2, authorizations set priorities, priorities upon which the Appropriations Committee makes decisions based on the money it has and on where best to spend the resources we have.

No. 3, as for the size of the authorization, everyone should know that up until the year 2000, this Senate, and the House on the other end of this building, biannually passed Water Resources Development Act reauthorizations. We have gone 7 years without prioritizing the Corps of Engineers and the water resources of this country.

Think about what has happened in those 7 years—Rita and Katrina in particular; from my standpoint, in my State of Georgia, a category 4, 100-year drought threatening the drinking water of millions and millions of Georgians, North Carolinians, Tennesseans, and Alabamans. In this bill is money for the North Metro Planning District of Georgia, a consolidation of all the governments in the region, to coordinate water resource development so we can better deal with retention, saving water as it flows downstream so we can have drinking water assurances and we can have backup that allows us to as-

sure our citizens when another 100-year drought, category 4 drought comes, that we will have done the planning necessary to deal with it, which right now has not been done. For this bill to be vetoed is to say no to an imminent priority in my State and for tens of millions of people in the Southeast.

So while I have complete respect for the President of the United States, and I commend him on so many things and don't like to vote against him, he is wrong to veto this bill. I will be proud to vote to override that veto because I wish to prioritize infrastructure for our country on a timely basis; I wish to give the appropriators the indications of what we, as a Congress, think are the most needed programs to be appropriated; I wish to deal with the ramifications and the disaster of Katrina and Rita, to see that it doesn't happen again; I want the Everglades project to go forward; and I want my State and my people to have the drinking water and the water resources necessary.

For us to delay or for us to deny would be wrong. We will have fights on the appropriations bills over how much money to spend. We should never have a fight on our responsibility to prioritize the needs of our States or the needs of our citizens. I commend Chairman BOXER, I commend Senator INHOFE and Senator BAUCUS for their hard work, and I will join with them in voting to override the veto and set the priorities for the citizens of my State and for the United States in the years to come on their water resources.

I yield the floor, and I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

The Senator from Florida is recognized.

NOMINATION OF JUDGE MUKASEY

Mr. MARTINEZ. Mr. President, I rise during a period of morning business to talk about two very important topics. For the last 40-some days we have been discussing the nomination by President Bush of Judge Mukasey to be the next Attorney General. It is a nominee to the President's Cabinet.

First, I believe the President ought to be accorded great deference. The President gets to pick the team to work with him. This is a Member of the Cabinet. It is an appointment that at this juncture, realistically, may not last much more than a year or so. It is not a lifetime appointment to the court, it is to serve on the President's Cabinet, but it is to the very important job of Attorney General. It is a job in which, in this particular time in history, it is terribly important that we