

woman in the arena who change our lives. It makes a better world that shapes history, that defines our destiny. And for these individuals who will no longer have that opportunity to serve our country in the Senate, we wish them well, we thank them, and we tell them we are proud of them and their families and wish them Godspeed.

Mr. President, I thank you for the time and yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The PRESIDING OFFICER. Under the previous order, the hour of 2:20 p.m. having arrived, the Senate will proceed to the consideration of H.R. 5384, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$10,515,000: Provided, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), \$11,226,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$14,795,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$8,479,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, \$954,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$16,936,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$11,667,000, of which \$5,676,000 shall be available until expended: Provided, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, \$836,000.

OFFICE OF CIVIL RIGHTS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of Civil Rights, \$22,650,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, \$681,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$209,814,000, to remain available until expended, of which \$155,851,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: Provided, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$12,020,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$24,114,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,830,000: Provided, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: Provided further, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: Provided further, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$9,695,000: Provided, That not to exceed \$2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, \$82,493,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$40,647,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$605,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, \$75,963,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, \$148,719,000, of which up to \$36,582,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership,

\$1,127,553,000: Provided, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: Provided further, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: Provided further, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: Provided further, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: Provided further, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their “as is” condition, when vacated by the Agricultural Research Service: Provided further, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$83,400,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$678,089,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), \$185,817,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), \$23,318,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), \$39,076,000, of which \$1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), \$119,341,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(e)), \$14,650,000; for competitive research grants (7 U.S.C. 450i(b)), \$190,229,000; for the support of animal health and disease programs (7 U.S.C. 3195), \$5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), \$825,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), \$1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), \$2,058,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$990,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,701,000, to remain available until expended (7 U.S.C. 2209b); for a veterinary medicine loan repayment program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), \$750,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,423,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$988,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), \$6,237,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,218,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), \$990,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$12,276,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, \$12,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, \$4,456,000; and for necessary expenses of Research and Education Activities, \$41,346,000, of which \$2,723,000 for the Research, Education, and Economics Information System and \$2,151,000 for the Electronic Grants Information System, are to remain available until expended: Provided, That hereafter none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: Provided further, That hereafter this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, \$467,102,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees’ compensation costs for extension agents, \$286,622,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,402,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$63,538,000; payments for the pest management program under section 3(d) of the Act, \$9,860,000; payments for the farm safety program under section 3(d) of the Act, \$4,517,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, \$1,985,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), \$16,609,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$7,651,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$440,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,220,000; payments for federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$1,976,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,026,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), \$1,946,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, \$35,205,000, of which \$1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than \$1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, \$1,980,000; and for necessary expenses of Extension Activities, \$23,125,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$58,704,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$43,369,000, including \$12,738,000 for the water quality program, \$14,699,000 for the food safety program, \$4,125,000 for the regional pest management centers program, \$4,419,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,375,000 for the crops affected by Food Quality Protection Act implementation, \$3,075,000 for the methyl bromide transition program, and \$1,948,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$990,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, \$737,000, to remain available until September 30, 2008 for the critical issues program; and \$1,321,000 for the regional rural development centers program; \$2,277,000 for asian soybean rust; and \$11,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2008.

OUTREACH FOR SOCIALLY DISADVANTAGED
FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$5,940,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR
MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; \$731,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, \$900,423,000, of which \$4,127,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$38,200,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones; of which \$33,107,000 shall be available for a National Animal Identification program; of which \$56,730,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2007, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improve-

ment, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$5,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE
MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, \$71,170,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$62,211,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME,
AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$16,425,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$3,834,000, of which not less than \$2,500,000 shall be used to make a grant under this heading.

GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, \$38,737,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING
SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be ex-

ceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD
SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$607,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$865,905,000, of which no less than \$777,189,000 shall be available for Federal food safety inspection; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That no fewer than 63 full time equivalent positions above the fiscal year 2002 level shall be employed during fiscal year 2007 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: Provided further, That of the amount available under this heading, notwithstanding section 704 of this Act \$3,000,000, available until September 30, 2008, shall be obligated to maintain the Humane Animal Tracking System as part of the Field Automation and Information Management System: Provided further, That of the total amount made available under this heading, no less than \$20,653,000 shall be obligated for regulatory and scientific training: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM
AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$640,000.

FARM SERVICE AGENCY
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$1,151,779,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$4,208,000.

GRASSROOTS SOURCE WATER PROTECTION
PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, \$100,000, to remain available

until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,422,750,000, of which \$1,200,000,000 shall be for unsubsidized guaranteed loans and \$222,750,000 shall be for direct loans; operating loans, \$1,941,360,000, of which \$1,025,610,000 shall be for unsubsidized guaranteed loans, \$272,250,000 shall be for subsidized guaranteed loans and \$643,500,000 shall be for direct loans; Indian tribe land acquisition loans, \$3,960,000; and for boll weevil eradication program loans, \$59,400,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$16,293,000, of which \$6,960,000 shall be for guaranteed loans, and \$9,333,000 shall be for direct loans; operating loans, \$127,973,000, of which \$25,332,000 shall be for unsubsidized guaranteed loans, \$27,416,000 shall be for subsidized guaranteed loans, and \$75,225,000 shall be for direct loans; and Indian tribe land acquisition loans, \$838,000; and boll weevil eradication program loans, \$1,129,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$319,657,000, of which \$311,737,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer: Provided further, That none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender an annual fee on unsubsidized guaranteed operating loans, a guarantee fee of more than one percent of the principal obligation of guaranteed unsubsidized operating or ownership loans, or a guarantee fee on subsidized guaranteed operating loans administered by the Farm Service Agency.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), \$78,477,000: Provided, That the Secretary of Agriculture may use an amount not to exceed \$3,600,000 of unobligated funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) for program integrity purposes, including the data mining project: Provided further, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency

and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

FARM STORAGE FACILITY LOANS PROGRAM

ACCOUNT

For administrative expenses necessary to carry out the Farm Storage and Sugar Storage Facility Loan Programs, \$4,560,000, to be transferred to and merged with the appropriation for Farm Service Agency, Salaries and Expenses.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$752,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$835,331,000, to remain available until September 30, 2008, of which not less than \$10,698,000 is for snow survey and water forecasting, and not less than \$10,678,000 is for operation and establishment of the plant materials centers, and of

which not less than \$27,255,000 shall be for the grazing lands conservation initiative: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009), \$6,022,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$62,070,000, to remain available until expended; of which up to \$10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): Provided, That not to exceed \$30,000,000 of this appropriation shall be available for technical assistance: Provided further, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$31,245,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$50,787,000, to remain available until expended.

HEALTHY FORESTS RESERVE PROGRAM

For necessary expenses to carry out the Healthy Forests Reserve Program authorized under title V of Public Law 108-148 (16 U.S.C. 6571-6578), \$5,000,000, to remain available until expended.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing

Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, \$640,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E-H and 381N of the Consolidated Farm and Rural Development Act, \$714,958,000, to remain available until expended, of which \$101,764,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$524,960,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed \$500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which \$88,234,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: Provided, That of the total amount appropriated in this account, \$26,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which \$5,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which \$250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That of the amount appropriated for rural community programs, \$6,287,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; \$2,500,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading, of which not more than five percent may be used for administrative expenses, including conferences: Provided further, That of the amount appropriated for rural utilities programs, not to exceed \$25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; \$25,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to 2 percent available to administer the program and/or improve interagency coordination may be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which \$100,000 shall be provided to develop a regional system for centralized billing, operation, and management of rural water and sewer utilities through regional cooperatives, of which 25 percent shall be provided for water

and sewer projects in regional hubs, and the State of Alaska shall provide a 25 percent cost share, and grantees may use up to 5 percent of grant funds, not to exceed \$35,000 per community, for the completion of comprehensive community safe water plans; not to exceed \$19,000,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$5,600,000 shall be for Rural Community Assistance Programs and not less than \$850,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities; and not to exceed \$13,750,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed \$21,367,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$1,067,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which \$12,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which \$8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided further, That of the amount appropriated for rural community programs, \$21,000,000 shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with 5 percent for administration and capacity building in the State rural development offices: Provided further, That of the amount appropriated, \$26,000,000 shall be transferred to and merged with the "Rural Utilities Service, High Energy Cost Grants Account" to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): Provided further, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$176,522,000: Provided, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: Provided further, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,773,614,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$1,129,391,000 shall be for direct loans, and of which \$3,644,223,000 shall be for unsubsidized guaranteed loans; \$34,652,000 for

section 504 housing repair loans; \$100,000,000 for section 515 rental housing; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$5,000,000 for section 524 site loans; \$11,482,000 for credit sales of acquired property, of which up to \$1,482,000 may be for multi-family credit sales; and \$4,980,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$155,919,000, of which \$113,278,000 shall be for direct loans, and of which \$42,641,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$10,240,000; repair, rehabilitation, and new construction of section 515 rental housing, \$45,880,000; section 538 multi-family housing guaranteed loans, \$7,740,000; credit sales of acquired property, \$720,000; and section 523 self-help housing and development loans, \$123,000: Provided, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: Provided further, That any funds under this paragraph initially allocated by the Secretary for housing projects in the State of Alaska that are not obligated by September 30, 2007, shall be carried over until September 30, 2008, and made available for such housing projects only in the State of Alaska: Provided further, That any obligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multifamily Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$455,776,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", of which not less than \$1,000,000 shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$335,400,000, to remain available through September 30, 2008; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, up to \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of

this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: Provided further, That up to \$4,190,000 may be used for the purpose of reimbursing funds used for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Act for emergency needs related to Hurricanes Katrina and Rita: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2007 for a section 514/516 project may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another section 514/516 project.

MULTIFAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, \$28,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$10,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of the section 515 multifamily rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, \$3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: Provided further, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: Provided further, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: Provided further, That of the funds made available under this heading, \$15,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-

income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$33,660,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$40,590,000, to remain available until expended: Provided, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$30,643,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,925,000.

For the cost of direct loans, \$14,951,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,724,000 shall be available through June 30, 2007, for Federally Recognized Native American Tribes and of which \$3,449,000 shall be available through June 30, 2007, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That of the total amount appropriated, \$887,000 shall be available through June 30, 2007, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,950,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting

rural economic development and job creation projects, \$34,652,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$7,568,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, \$78,514,000 shall not be obligated and \$78,514,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$29,500,000, of which \$500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed \$1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which \$20,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$10,000,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): Provided, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$25,000,000 for direct and guaranteed renewable energy loans and grants: Provided, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$99,000,000; municipal rate rural electric loans, \$99,000,000; loans made pursuant to section 306 of that Act, rural electric, \$5,000,000,000; Treasury rate direct electric loans, \$990,000,000; guaranteed electric loans, \$99,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,500,000,000; 5 percent rural telecommunications loans, \$143,513,000; cost of money rural telecommunications loans, \$419,760,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$299,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric

loans, \$3,703,000, and the cost of telecommunications loans, \$657,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,600,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of the broadband telecommunication loans, \$500,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$30,000,000, to remain available until expended: Provided, That \$5,000,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$10,750,000, to remain available until September 30, 2008: Provided, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: Provided further, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$10,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$604,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$13,654,487,000, to remain available through September 30, 2008, of which \$7,923,414,000 is hereby appropriated and \$5,731,073,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That of the funds made available under this heading, \$300,000,000 shall be placed in reserve and used only in such amounts and at such times as may become necessary to carry out program operations: Provided further, That up to \$5,335,000 shall be available for independent verification of school food service claims: Provided further, That of the funds made available under this heading, \$9,000,000, available until September 30, 2008, of which not to exceed 5 percent may be available for Federal administrative expenses, shall be used to carry out section 120 of Public Law 108-265 in an additional 9 States.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of

1966 (42 U.S.C. 1786), \$5,264,000,000, to remain available through September 30, 2008, of which such sums as are necessary to restore the contingency reserve to \$125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: Provided, That amounts over \$125,000,000 in the contingency reserve shall be treated as general WIC appropriated funds rather than contingency reserve funds: Provided further, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): Provided further, That only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2007; including \$14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and \$20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$37,865,231,000, of which \$3,000,000,000 to remain available through September 30, 2008, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to food stamp program integrity provided that such activities are authorized by the Food Stamp Act: Provided further, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program, as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance (in a form determined by the Secretary of Agriculture) for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$179,366,000, to remain available through September 30, 2008: Provided, That none of these funds shall be avail-

able to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2007 to support the Seniors Farmers' Market Nutrition Program (SFMNP), as authorized by section 4402 of Public Law 107-171, such funds shall remain available through September 30, 2008: Provided further, That hereafter no funds available for SFMNP shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: Provided further, That hereafter the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: Provided further, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$143,114,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$156,186,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83-480 and the Food for Progress Act of 1985, \$2,651,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,225,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$5,331,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$4,985,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$346,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$100,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,941,646,000: Provided, That of the amount provided under this heading, \$320,600,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007; \$43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) \$457,936,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$544,961,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$39,079,000 shall be available for the Office of Generic Drugs; (3) \$210,000,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$105,031,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$255,480,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$41,273,000 shall be for the National Center for Toxicological Research; (7) \$62,007,000 shall be for Rent and Related activities, of which \$25,552,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) \$146,013,000 shall be for payments to the General Services Administration for rent; and (9) \$118,945,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for

these offices: Provided further, That funds may be transferred from one specified activity to another with the prior notification of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$99,502,000, including not to exceed \$3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 292 passenger motor vehicles, of which 290 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program and rearing facility design, emerging plant pests, boll weevil program, low pathogenic avian influenza program, highly pathogenic avian influenza program, up to \$33,107,000 in animal health monitoring and surveillance for the animal identification system, up to \$1,500,000 in the scrapie program for indemnities, up to \$3,970,000 in the emergency management systems program for the vaccine bank, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior notification of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 20 percent of total Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make

available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer unless prior notification has been transmitted to the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities;

or

- (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for—

(A) the Matanuska River erosion control project in Alaska;

(B) the Little Red River irrigation project in Arkansas;

(C) the Manoa Watershed project in Hawaii;

(D) the West Tarkio project in Iowa;

(E) the West Branch DuPage River Watershed project in DuPage County, Illinois; and

(F) the Coal Creek project in Utah;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1; and

(3) through the Watershed Flood Prevention Operations program to carry out the Little Otter Creek Watershed project. The sponsoring local organization may obtain land rights by perpetual easements.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 717. There is hereby appropriated \$1,000,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to expend the \$3,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,031,000,000.

SEC. 722. None of the funds appropriated or otherwise made available under this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 723. None of the funds made available in fiscal year 2007 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and ex-

penses of personnel to carry out section 6401(a) of Public Law 107-171, in excess of \$28,000,000.

SEC. 725. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 726. There is hereby appropriated \$750,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 727. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2502 of Public Law 107-171 in excess of \$63,000,000.

SEC. 728. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107-171 in excess of \$58,000,000.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a ground and surface water conservation program authorized by section 2301 of Public Law 107-171 in excess of \$4,000,000.

SEC. 730. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 731. Funds made available under section 12401 and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, 2006, and 2007 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, 2006, and 2007, respectively, and are not available for new obligations.

SEC. 732. Notwithstanding any other provision of law—

(1) the City of Palmer, Alaska shall be eligible to receive a water and waste disposal grant under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) in an amount that is equal to not more than 75 percent of the total cost of providing water and sewer service to the proposed hospital in the Matanuska-Susitna Borough, Alaska;

(2) or any percentage of cost limitation in current law or regulations, the construction projects known as the Tri-Valley Community Center addition in Healy, Alaska; the Cold Climate Housing Research Center in Fairbanks, Alaska; and the University of Alaska-Fairbanks Allied Health Learning Center skill labs/classrooms shall be eligible to receive Community Facilities grants in amounts that are equal to not more than 75 percent of the total facility costs: Provided, That for the purposes of this paragraph, the Cold Climate Housing Research Center is designated an "essential community facility" for rural Alaska;

(3) for any fiscal year and hereafter, in the case of a high cost isolated rural area in Alaska that is not connected to a road system, the maximum level for the single family housing assistance shall be 150 percent of the median household income level in the nonmetropolitan areas of the State and 115 percent of all other eligible areas of the State; and

(4) any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan

under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under Section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 733. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 734. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 735. The Secretary of Agriculture may use any unobligated carryover funds made available for any program administered by the Rural Utilities Service (not including funds made available under the heading "Rural Community Advancement Program" in any Act of appropriation) to carry out section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e).

SEC. 736. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture \$10,000,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108-465; 7 U.S.C. 1621 note).

SEC. 737. The Secretary of Agriculture is authorized and directed to quitclaim to the City of Elkhart, Kansas, all rights, title and interests of the United States in that tract of land comprising 151.7 acres, more or less, located in Morton County, Kansas, and more specifically described in a deed dated March 11, 1958, from the United States of America to the City of Elkhart, State of Kansas, and filed of record April 4, 1958 at Book 34 at Page 520 in the office of the Register of Deeds of Morton County, Kansas as necessary, to provide for additional uses of said land for any public purpose.

SEC. 738. (a) Section 18(f)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)(1)) is amended—

(1) in subparagraph (A), by striking "2004" and inserting "2006"; and

(2) in subparagraph (B)—

(A) in the matter before clause (i), by striking "June 2005" and inserting "May 2006"; and

(B) in clause (ii), by striking "75" and inserting "78".

(b) The amendments made by subsection (a) take effect on January 1, 2007.

SEC. 739. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 740. Of the unobligated balances under section 32 of the Act of August 24, 1935, \$9,900,000 are hereby rescinded.

SEC. 741. None of the funds made available under this Act shall be available to pay the administrative expenses of a State agency that, after the date of enactment of this Act and prior to receiving certification in accordance with the provisions set forth in section 17(h)(11)(E) of the Child Nutrition Act of 1966, authorizes any new for-profit vendor(s) to transact food instruments under the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) if

it is expected that more than 50 percent of the annual revenue of the vendor from the sale of food items will be derived from the sale of supplemental foods that are obtained with WIC food instruments, except that the Secretary may approve the authorization of such a vendor if the approval is necessary to assure participant access to program benefits.

SEC. 742. (a) Subject to subsection (b), none of the funds made available in this Act may be used to—

(1) grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(n)(4)) for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

(b) Subsection (a) shall not apply to a waiver or certification if—

(1)(A) not later than 15 days prior to a meeting of an advisory committee or panel to which such waiver or certification applies, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) the nature of the conflict of interest at issue; and

(ii) the nature and basis of such waiver or certification (other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a conflict of interest that becomes known to the Secretary less than 15 days prior to a meeting to which such waiver or certification applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting; and

(2)(A) not later than 15 days prior to a meeting of an advisory committee or panel, the Secretary of Health and Human Services discloses on the Internet website of the Food and Drug Administration—

(i) any recusal due to the potential for conflict of interest; and

(ii) the nature of the conflict of interest at issue

(other than information exempted from disclosure under section 552 of title 5, United States Code); or

(B) in the case of a recusal that becomes known to the Secretary less than 15 days prior to a meeting to which such recusal applies, the Secretary shall make such public disclosure as soon as possible thereafter, but in no event later than the date of such meeting.

(c) None of the funds made available in this Act may be used to make a new appointment to an advisory committee or panel of the Food and Drug Administration unless the Commissioner of Food and Drugs submits a semi-annual report to the Inspector General of the Department of Health and Human Services and the Committees on Appropriations of the House and Senate, the Energy and Commerce Committee of the House, and the Health, Education, Labor, and Pensions Committee of the Senate on the efforts made to identify qualified persons for such appointments with minimal or no potential conflicts of interest.

Such report must include a description (that identifies no individual by name or affiliation), by advisory committee or panel, of the types of experts sought, the number of candidates considered, the number of those candidates willing to serve, the number of those willing to serve who have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of new appointees that have no or low involvement as specified in the FDA Waiver Criteria 2000 document, the number of vacancies remaining, the number of meetings and waivers granted by type of meeting, and, when an individual who has a medium or high involvement

as specified in the FDA Waiver Criteria 2000 document is appointed, the rationale for such appointment.

SEC. 743. Section 514(f)(3) of the Housing Act of 1949 is amended by inserting "or the processing of such commodities" after "unprocessed stage".

SEC. 744. Starting in fiscal year 2006, the Secretary shall administer the Farm and Ranchland Protection Program exclusively in accordance with 7 CFR Part 1491 as published on May 16, 2003.

SEC. 745. (a) Notwithstanding any other provision of law, and until the receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Lake City, Florida and the City of Parsons, Kansas rural areas for purposes of eligibility for Rural Utilities Service water and waste water loans and grants;

(2) the City of Lansing, Kansas a rural area for purposes of eligibility for Rural Housing Service programs, and the City of Leavenworth, Kansas and the City of Lansing, Kansas as separate geographic entities for purposes of Rural Development grants and loans;

(3) the City of Vineland, New Jersey and the City of Millville, New Jersey, and urbanized areas contiguous and adjacent to both cities, (including individuals and entities with projects within these cities and areas) as eligible for all Rural Business Program loans and grants except rural development (intermediary relending) loans authorized by section 1323 of the Food Security Act of 1985 and rural economic development loans and grants authorized by section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940C);

(4) the City of Celina, Ohio and the City of Ashtabula, Ohio as eligible for the purposes of Rural Development grants and loans;

(5) the Gooseberry Lake Project in the State of Iowa as eligible for the Rural Utilities Service water and wastewater loans and grant program including the purchase of land and moving of utilities; and

(6) the Cities of Alamo, Mercedes, Weslaco, and Donna in the State of Texas as eligible for the purposes of Rural Development grants and loans.

SEC. 746. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than \$100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than \$100,000.

SEC. 747. There is hereby appropriated \$4,000,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 748. None of the funds made available by this or any other Act shall be used to transfer funds or assess charges or fees in excess of 5 percent from any program, project, or activity funded under the Animal and Plant Health Inspection Service.

SEC. 749. There is hereby appropriated \$1,000,000 to continue section 791 of Public Law 109-97.

SEC. 750. Notwithstanding any other provision of law, the service areas being acquired by Mid-Kansas Electric Cooperative shall be considered eligible for financing under the provisions of the Rural Electrification Act of 1936, as amended.

SEC. 751. Section 759 of Public Law 106-78 (7 U.S.C. 3242) is amended—

(1) in subsection (a)(3), by striking “2006” and inserting “2011”; and

(2) in subsection (b)(3), by striking “2006” and inserting “2011”.

SEC. 752. The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended—

(1) in section 202 (7 U.S.C. 5622)—

(A) by striking subsections (b) and (c);

(B) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively;

(C) in subsection (b) (as redesignated by subparagraph (B))—

(i) in paragraph (2), by inserting “and” after “exports;”;

(ii) in paragraph (3)(B), by striking “commodities; and” and inserting “commodities.”; and

(iii) by striking paragraph (4);

(D) in subsection (d) (as redesignated by subparagraph (B))—

(i) by striking “(1) IN GENERAL.—”; and

(ii) by striking paragraph (2); and

(E) in subsection (g)(2) (as redesignated by subparagraph (B)), by striking “subsections (a) and (b)” and inserting “subsection (a)”; and

(2) in section 211(b) (7 U.S.C. 5641(b))—

(A) in paragraph (1)—

(i) by striking “(1) EXPORT CREDIT GUARANTEES.—”; and

(ii) by striking “subsections (a) and (b)” and inserting “subsection (a)”; and

(B) by striking paragraph (2).

SEC. 753. Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended—

(1) in subsection (a), by inserting “and, in the case of subtitle B, commercial fishing” before the period at the end of each of paragraphs (1) and (2); and

(2) by adding at the end the following:

“(c) DEFINITION OF FARM.—In subtitle B, the term ‘farm’ includes a commercial fishing enterprise.”

SEC. 754. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking “2006” and inserting “2007”; and

(2) in the second sentence, by striking “2007” and inserting “2008”.

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

SEC. 755. TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

“(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the purpose of conferring, exhibiting, marketing, planning, sales negotiation, delivery, expediting, facilitating, or servicing commercial export sale of agricultural and medical goods pursuant to the provisions of this title.”

SEC. 756. ADDITIONAL AMOUNTS FOR VETERANS. For an additional amount for “General Operating Expenses” for necessary expenses to respond to the data theft at the Department of Veterans Affairs and to provide remedial assistance to veterans who have had personal data stolen from the Department of Veterans Affairs, \$160,000,000: Provided, That the amount provided in this section is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as

made applicable in the Senate by section 7035 of Public Law 109-234.

SEC. 757. (a) The Senate finds that—

(1) the United States cattle industry produces abundant, safe, and healthful food for consumers in the United States and around the world;

(2) Japan prohibited imports of beef from the United States during the period beginning December 2003 and ending December 2005, after a single case of Bovine Spongiform Encephalopathy (BSE, or “mad cow disease”) was found in a Canadian-born animal in Washington State;

(3) the United States has implemented and maintained a BSE surveillance and safeguard program that exceeds the internationally recognized standards of the World Organization for Animal Health (OIE) for BSE control, eradication, and testing to protect human and animal health;

(4) the United States and the Government of Japan concluded an agreement on December 12, 2005, that established the conditions under which beef exports to Japan could resume;

(5) as a result of errors by a single United States exporter certified to sell beef to Japan and inadequate oversight by the Department of Agriculture, a single shipment of United States beef was found to be noncompliant with the terms of the agreement resulting in a suspension of all United States beef exports to Japan;

(6) the United States has taken substantive corrective actions to ensure that United States beef exports to Japan are in full compliance with the terms of the agreement, fully disclosed the actions taken to the Government of Japan, and allowed Japanese officials the opportunity to review those actions and personally inspect and determine the eligibility of all United States beef processing plants certified for the export of beef to Japan;

(7) notwithstanding the membership of Japan in the OIE and the commitment of Japan under the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization to apply sanitary and phytosanitary measures only to the extent necessary to protect human, animal, and plant health, based on scientific principles, Japan continues to maintain an unjustified suspension of imports of United States beef; and

(8) the continued violation by Japan of the spirit and letter of the World Trade Organization commitments of Japan has resulted in the cumulative economic loss to the United States beef industry of approximately \$6,300,000,000 and current annual economic trade losses of \$3,140,000,000 per year.

(b) It is the sense of the Senate that if, by the date of enactment of this Act, Japan does not permit the importation of beef from the United States, additional tariffs on selected articles that are grown by, the products of, or manufactured by Japan and that enter the customs territory of the United States should be imposed until Japan permits the importation of beef from the United States.

TITLE VIII—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 801. SHORT TITLE.

This title may be cited as the “Emergency Farm Relief Act of 2006”.

SEC. 802. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term “additional coverage” has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) DISASTER COUNTY.—The term “disaster county” means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(3) HURRICANE-AFFECTED COUNTY.—The term “hurricane-affected county” means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(4) INSURABLE COMMODITY.—The term “insurable commodity” means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) sheep;

(D) swine; and

(E) other livestock, as determined by the Secretary.

(6) NATURAL DISASTER DECLARATION.—The term “natural disaster declaration” means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of the date of enactment of this Act; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of the date of enactment of this Act.

(7) NONINSURABLE COMMODITY.—The term “noninsurable commodity” means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(8) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 811. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—Except as provided in paragraph (3), for producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 35 percent of the established price, instead of 50 percent.

(3) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (c)(2), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar cane and sugar beets, that incurred qualifying quantity or quality losses for—

(1) the 2005 crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary; and

(2) the 2006 crop due to flooding in California, Hawaii, and Vermont that occurred prior to the date of enactment of this Act and for which a petition for a disaster designation has been filed with the Secretary not later than that date.

(d) **QUALITY LOSSES.**—

(1) **IN GENERAL.**—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (c)(2) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) **PAYMENT QUANTITY.**—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary to determine quantity losses for the crop of the commodity under subsection (c)(1).

(3) **PAYMENT RATE.**—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) **ELIGIBILITY.**—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (c)(2), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) **MARKETING CONTRACTS.**—In the case of any production of a commodity that is sold pursuant to 1 or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the 1 or more prices specified in the contracts.

(6) **OTHER PRODUCTION.**—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) **QUALITY ADJUSTMENTS AND DISCOUNTS.**—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) **ELIGIBLE PRODUCTION.**—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) **TIMING.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall make payments to producers on

a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) **INTEREST.**—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 812. LIVESTOCK ASSISTANCE.

(a) **LIVESTOCK COMPENSATION PROGRAM.**—

(1) **USE OF COMMODITY CREDIT CORPORATION FUNDS.**—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, except that the payment rate shall be 75 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) **ELIGIBLE APPLICANTS.**—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108-324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)); and

(B) meets all other eligibility requirements established by the Secretary for the program.

(3) **MITIGATION.**—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(b) **LIVESTOCK INDEMNITY PAYMENTS.**—

(1) **IN GENERAL.**—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during calendar years 2005 and 2006 for losses that occurred prior to the date of enactment of this Act (including wildfire disaster losses in the State of Texas and other States) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, and wildfires.

(2) **PAYMENT RATES.**—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) **EWE LAMB REPLACEMENT AND RETENTION.**—

(1) **IN GENERAL.**—The Secretary shall use \$13,000,000 of funds of the Commodity Credit Corporation to make payments under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006.

(2) **INELIGIBILITY FOR OTHER ASSISTANCE.**—A producer that receives assistance under this sub-

section shall not be eligible to receive assistance under subsection (a).

SEC. 813. FLOODED CROP AND GRAZING LAND.

(a) **IN GENERAL.**—The Secretary shall compensate eligible owners of flooded crop and grazing land in—

(1) the Devils Lake basin; and

(2) the McHugh, Lake Laretta, and Rose Lake closed drainage areas of the State of North Dakota.

(b) **ELIGIBILITY.**—

(1) **IN GENERAL.**—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) **INCLUSIONS.**—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) **ADMINISTRATION.**—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) **SIGN-UP.**—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) **COMPENSATION PAYMENTS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) **REDUCTION.**—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) **EXCLUSION.**—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) **RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.**—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) **USE OF LAND.**—

(1) **IN GENERAL.**—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) **RECREATIONAL ACTIVITIES.**—To encourage owners that receive compensation for flooded

land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use \$6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 814. SUGAR BEET DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use \$24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the 2005 crop year.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use \$6,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

SEC. 815. BOVINE TUBERCULOSIS HERD INDEMNIFICATION.

The Secretary shall use \$2,000,000 of funds of the Commodity Credit Corporation to indemnify producers that suffered losses to herds of cattle due to bovine tuberculosis during calendar year 2005.

SEC. 816. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 418).

Subtitle B—Supplemental Nutrition and Agricultural Economic Disaster Assistance

SEC. 821. REPLENISHMENT OF SECTION 32.

(a) DEFINITION OF SPECIALTY CROP.—In this section:

(1) IN GENERAL.—The term “specialty crop” means any agricultural crop.

(2) EXCEPTION.—The term “specialty crop” does not include—

- (A) wheat;
- (B) feed grains;
- (C) oilseeds;
- (D) cotton;
- (E) rice;
- (F) peanuts; or
- (G) milk.

(b) BASE STATE GRANTS.—

(1) IN GENERAL.—The Secretary shall use \$25,000,000 of funds of the Commodity Credit Corporation to make grants to the several States to be used to support activities that promote agriculture.

(2) AMOUNTS.—The amount of the grants shall be \$500,000 to each of the several States.

(c) GRANTS FOR VALUE OF PRODUCTION.—The Secretary shall use \$74,500,000 of funds of the Commodity Credit Corporation to make a grant to each of the several States in an amount equal to the product obtained by multiplying—

(1) the share of the State of the total value of specialty crop and livestock of the United States for the 2004 crop year, as determined by the Secretary; by

(2) \$74,500,000.

(d) SPECIAL CROP AND LIVESTOCK PRIORITY.—As a condition on the receipt of a grant under this section, a State shall agree to give priority to the support of specialty crops and livestock in the use of the grant funds.

(e) USE OF FUNDS.—A State may use funds from a grant awarded under this section—

(1) to supplement State food bank programs or other nutrition assistance programs;

(2) to promote the purchase, sale, or consumption of agricultural products;

(3) to provide economic assistance to agricultural producers, giving a priority to the support of specialty crops and livestock; or

(4) for other purposes as determined by the Secretary.

SEC. 822. SUPPLEMENTAL ECONOMIC LOSS PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary shall make a supplemental economic loss payment to—

(1) any producers on a farm that received a direct payment for crop year 2005 under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.); and

(2) any dairy producer that was eligible to receive a payment during the 2005 calendar year under section 1502 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982).

(b) AMOUNT.—

(1) COVERED COMMODITIES.—Subject to paragraph (3), the amount of a supplemental economic loss payment made to the producers on a farm under subsection (a)(1) shall be equal to the product obtained by multiplying—

(A) 30 percent of the direct payment rate in effect for the covered commodity of the producers on the farm;

(B) 85 percent of the base acres of the covered commodity of the producers on the farm; and

(C) the payment yield for each covered commodity of the producers on the farm.

(2) DAIRY PAYMENTS.—

(A) DISTRIBUTION.—Supplemental economic loss payments under subsection (a)(2) shall be distributed in a manner that is consistent with section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

(B) MAXIMUM AMOUNT.—Subject to paragraph (3), the total amount available for supplemental economic loss payments under subsection (a)(2) shall not exceed \$147,000,000.

(3) LIMITATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall ensure that no person receives supplemental economic loss payments under—

(i) subsection (a)(1) in excess of the per person limitations applicable to a person that receives payments described in subsection (a)(1); and

(ii) subsection (a)(2) in excess of the per dairy operation limitation applicable to producers on a dairy farm described in subsection (a)(2).

(B) ADMINISTRATION.—In carrying out subparagraph (A), the Secretary—

(i) shall establish separate limitations for supplemental economic loss payments received under this section; and

(ii) shall not include the supplemental economic loss payments in applying payment limitations under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1001) for payments made pursuant to the underlying normal operation of the program described in subsection (a)(1) or section 1502 of the Farm and Rural Investment Act of 2002 (7 U.S.C. 7982).

SEC. 823. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional \$53,600,000 of funds of the Commodity Credit

Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

Subtitle C—Conservation

SEC. 831. NATURAL RESOURCES CONSERVATION SERVICE.

(a) AUTHORITY TO CLEAR DEBRIS AND ANIMAL CARCASSES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available for the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203), may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county.

(b) AUTHORITY TO USE CERTAIN PRACTICES.—Notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, may use direct check-writing practices and electronic transfers to provide financial and technical assistance under the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) in a hurricane-affected county.

SEC. 832. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional \$17,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.).

Subtitle D—Farm Service Agency

SEC. 841. FUNDING FOR ADDITIONAL PERSONNEL.

The Secretary shall use \$13,400,000 of funds of the Commodity Credit Corporation to hire additional County Farm Service Agency personnel—

(1) to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) as the Secretary determines to be necessary to carry out other agriculture and disaster assistance programs.

Subtitle E—Miscellaneous

SEC. 851. AUTHORITY TO PROVIDE IMMUNIZATIONS.

Notwithstanding any other provision of law, the Secretary of Defense may provide immunizations to employees of the Department of Agriculture involved in direct recovery work in a hurricane-affected county.

SEC. 852. WAIVER OF CERTAIN PROVISIONS.

Notwithstanding any other provision of law, the Secretary may provide assistance in a hurricane-affected county under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) without regard to subtitle C of title XII of the Food Security Act of 1985 (16 U.S.C. 3821 et seq.).

SEC. 853. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 854. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rule-making and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULE-MAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle F—Emergency Designation

SEC. 861. EMERGENCY DESIGNATION.

The amounts provided in this title are designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007".

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, today I am pleased to bring H.R. 5384, the fiscal year 2007 Agriculture appropriations bill, to the Senate for its consideration. It was written after carefully examining the administration's budget proposal, holding a number of hearings, and receiving significant input from Senators and other stakeholders. It was approved unanimously by the subcommittee on June 20 and reported to the Senate by the full committee on June 22. The bill is the product of a completely bipartisan effort.

I thank Senator KOHL and his excellent staff for their hard work. We have established a pattern of bipartisanship in this subcommittee which we are delighted has continued on in this bill as well.

The bill is commonly known as the Agriculture appropriations bill, but its impact goes far beyond the farms and ranches of the United States. The largest portion of the funding in this bill goes to nutrition and food programs for mothers and children, low-income individuals, and senior citizens. It also funds the agencies which conduct vital agricultural research, protect America's food and drug supply, conserve soil and water resources and wildlife habitat, and promotes the economic development of rural America. It is, indeed, a far-reaching measure.

The bill the Senate is now considering totals approximately \$98.3 billion in mandatory and discretionary funding. Of this amount, \$18.2 billion is for discretionary funding, fully utilizing the 302(b) allocation which we were given.

To touch on a few of the highlights, specifically, the bill increases funding by 5 percent for the land grant colleges, historically Black land grant institutions, Hispanic serving institutions, forestry schools, and the National Research Initiative. This is the first substantial increase in the formula funds since I took over the chairmanship of the Agriculture Subcommittee in these areas.

It restores funding for the Commodity Supplemental Food Program to

\$108.3 million and funds the Women, Infants, and Children Program at \$5.264 billion, fully meeting the estimated caseload requirements. It allows the enrollment of 250,000 acres in the Wetlands Reserve Program and restores the Grazing Lands Conservation Initiative.

Further, it provides for new research into renewable energy and \$25 million in renewable energy loans and grants. It fully funds the President's request for avian influenza at USDA and FDA. It maintains the safest food supply in the world by fully funding the Food Safety Inspection Service.

And it speeds the approval of generic drugs to the marketplace by increasing the Office of Generic Drugs at the FDA by 10 million.

All in all, I believe this is a bill Members can be proud of, and I am happy to bring it to the floor.

At this point, I am happy to yield so we can hear from the distinguished ranking member of the subcommittee, with whom we have worked so close over these last 4 years, Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Mr. President and Chairman BENNETT.

I rise today in support of H.R. 5384, which is the fiscal year 2007 appropriations bill for Agriculture, Rural Development, and Related Agencies.

This year, the Agriculture Subcommittee received an allocation of \$18.2 billion. While this was an increase of approximately \$1.1 billion over last year, the increase was largely absorbed by scorekeeping adjustments driven by the 2006 budget reconciliation bill. However, the increased allocation, while certainly not a windfall, was certainly a help in writing a good bill, allowing us to restore programs the administration proposed to eliminate and provide other critical programmatic increases.

I believe that Senator BENNETT and his staff did an excellent job of balancing limited funding with important priorities, and I strongly encourage all Senators to support this bill. I will briefly discuss some of the highlights of the bill.

Avian flu, while it has not maintained the level of public attention that it commanded earlier this year, is nevertheless, still a threat to our agricultural sector and to public health, and this bill provides an increase of more than \$110 million in various accounts for research, regulatory programs, and vaccine-related funding for highly pathogenic avian flu. This funding is essential to helping prevent the spread of avian flu, as well as increasing research in order to contain it where necessary.

The Food Safety and Inspection Service, charged with ensuring that the United States continues to have the safest food supply in the world, received the full funding amount requested by the President. This includes increased funding for food safety in-

spection, the food emergency response network, and information technology costs.

The Food and Drug Administration received an increase of approximately \$100 million above last year's level, including increases of more than \$5 million for food defense, nearly \$4 million for drug safety, and \$50 million for pandemic flu preparedness.

I thank Senator BENNETT for working with me on one of my highest priorities for this bill, to give the Office of Generic Drugs at FDA a \$10 million increase over the President's budget, which brings total funding for the Office of Generic Drugs to nearly \$40 million, and total funding for generic drug approvals within FDA to nearly \$75 million. I believe this increase is an important step and I will continue to work to ensure that FDA has the resources necessary to decrease the growing backlog of generic drug applications within the FDA and to make lower-cost generic drugs available to consumers as early as possible.

In the area of nutrition, the bill provides \$5.264 billion, an increase of \$64 million above the President's request, for the Special Supplemental Nutrition Program for Women, Infants, and Children, WIC, Program. This will fully fund WIC; and the committee did not accept the President's plans to limit WIC eligibility and to reduce funding to carry out the program. The bill also restores funding for the Commodity Supplemental Food Program, which the President proposed to eliminate.

For the foreign assistance programs, the committee included an increase of \$86 million for international humanitarian food assistance—providing U.S. commodities to fight hunger throughout the world—under Public Law 480 title II. With major crises facing us throughout the world and emergency relief demands continuing to rise, it is extremely important that this program is funded at the highest possible level. Mr. President, \$100 million is provided for the McGovern-Dole Food for Education Program. This program provides what is oftentimes the only meal a child receives in a day, and is used to encourage children, especially girls, to come to school in developing countries.

In conservation accounts, no limitation is provided on the Conservation Security Program or the Wetlands Reserve Program. The Natural Resources Conservation Service also received a slight increase. Funding for Conservation Operations was increased by \$4 million over last year's level; Watershed and Flood Prevention Operations received over \$62 million; the Healthy Forests Reserve Program received \$5 million; and funding for Watershed Surveys and Planning, the Watershed Rehabilitation Program, and Resource Conservation and Development was maintained at last year's level.

Agricultural research accounts within USDA also received an increase of approximately \$30 million. This includes increases for both competitively

awarded research grants and formula-based funding for land grant universities and minority serving institutions.

In rural development, the Rural Community Advancement Program received an increase of nearly \$20 million over last year's funding—and \$114 million over the President's request—to provide assistance for infrastructure and essential community facilities in rural communities. This includes restoring significant cuts for water and wastewater utility systems in rural communities. The Renewable Energy Program was funded at twice the level proposed by the administration, allowing for critical work on ethanol and other alternative fuels. The committee did not accept the President's proposal to eliminate the section 515 Direct Rental Housing loan program which since 1963 has provided construction and rehabilitation of affordable housing for rural families and elderly residents with very low to moderate incomes. That administration budget submission is the first proposal to dispose of this program since its inception.

Overall, as I said earlier, I think that Senator BENNETT has done a good job in making sure that this bill balances limited funding and multiple priorities. I would like to thank Senator BENNETT, for putting together an excellent bill, as well as Fitz Elder, IV, who has done a superb job during his first year as clerk of the subcommittee, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT has assembled a smart, hard-working staff who are always professional and work seamlessly with my staff, something for which I am very grateful. I strongly support this bill, and I encourage all Senators to vote in favor of it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank Senator KOHL for his comments and once again pay tribute to the spirit of bipartisanship he and I have been able to maintain. I appreciate his kind words about the staff and the attempts we have made to integrate both staffs so we have had the kind of professional result to which he has referred.

Now, pursuant to the unanimous consent agreement that is in place, I understand the first order of business will concern agricultural disaster assistance. So I now ask further unanimous consent that once the Conrad amendment is offered to the Agriculture appropriations bill, the time until 5 o'clock be equally divided in the usual form, with a vote occurring in relation to the Conrad amendment at 5 o'clock today, with no second-degree amendments in order to the amendment prior to the vote. Now, I would add that we do expect a budget point of order to be raised, and therefore the vote is likely to be on the motion to waive the budget, assuming that is done.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. With that, Mr. President, I yield the floor. I see Senator CONRAD is in the Chamber prepared to discuss his amendment and expect that probably will take the remainder of the time until we come to the vote.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank my colleagues, the chairman and ranking member of the Agriculture Appropriations Subcommittee, for the many courtesies extended to those of us who are seeking to get a vote on disaster assistance this year. My colleagues, the chairman and ranking member, Senators BENNETT and KOHL, have been generous and kind with respect to allowing this amendment to be considered, and we deeply appreciate it. We certainly will not forget it.

The matter before the body is the fundamental question of whether there is going to be disaster assistance to this Nation's farmers and ranchers this year.

I also thank Senator FRIST for allowing us to take up the Agriculture Appropriations bill today, allowing me to offer this amendment to provide agricultural disaster assistance for our farmers and ranchers. It took a bit of a struggle to achieve this result, to get this opportunity, but Senator FRIST has been exceptionally kind throughout this discussion and willing to have the Senate discuss this matter.

Some of my colleagues may ask: Senator, the majority has already indicated they do not intend to finish appropriations bills so what is the point of this vote?

Well, that is a good question. When we sought this vote, we did not know that the Agriculture appropriations bill would then not be completed. We did not know that there was going to be an intention to stop work on appropriations bills, to leave that all until next year. We did not know that. So we were working in good faith to put this before the body as a matter that is urgently needed by tens of thousands of farm families all across America. So why go on with the debate and the vote today if this bill is not going to be completed? There is one very good reason: Depending on how close this vote is, farmers and ranchers and their bankers will at least have an idea of whether there is the prospect for disaster assistance next year. It is going to require a supermajority vote today for us to prevail because the other side is going to offer a budget point of order. That is their right. If we are close to the 60 votes, then farmers and ranchers can assume there is a pretty good likelihood of disaster assistance next year. If we are not close to 60, then they will be safe in concluding the prospects, although still possible, are certainly more remote.

Why is this important? Because literally tens of thousands of farm and

ranch families will not be able to go on without disaster assistance. In my own State, the independent bankers of North Dakota were meeting in my office when Mr. Hubbard, chief economic adviser, came to see me on a separate matter. I asked Mr. Hubbard to go into the conference room to listen to these independent bankers, 11 or 12 of them from across the State of North Dakota. They told Mr. Hubbard clearly and directly: If there is no disaster assistance forthcoming, 5 to 10 percent of the farm and ranch families in North Dakota will be forced off the land. That is how serious the current circumstance is. It is why we come on an emergency basis for this funding.

Let me indicate that this disaster approach will cost \$4.8 billion. That is much less than disaster packages in 2000 and 2001, about a third of what disaster packages were in those years. But it is critically important. Why? Because in 2005 and 2006, we had a series of natural disasters across this country that were not covered in any way. The last disaster package that actually went through only applied to hurricanes. Those who suffered from drought, from flooding, were excluded. They were given no help.

Let me show the headlines from my State from last year: "North Dakota Anthrax Outbreak Grows"; "Rain Halts Harvest"; "North Dakota Receives Major Disaster Declaration"; "Heavy Rain Leads to Crop Diseases"; "Beet Crop Could Be Smallest In 10 Years"; "Crops, Hay Lost to Flooding"; "Area Farmers Battle Flooding, Disease".

These are only a handful of the headlines from that year. Here is a picture of a farm. Last year I flew over southeastern North Dakota, and it looked like a giant lake because farm after farm looked like this—water from one horizon to the other. In the southeastern part of North Dakota, there was massive flooding. A million acres were prevented from even being planted. Hundreds of thousands of additional acres were ultimately drowned out. In other words, they could plant, they did plant, and then the crops were drowned out.

This was a devastating year for thousands of farm families. I had a young farmer, one of the best in our State, come to a farm meeting I held. He told me: Senator, unless something happens, a lot of my neighbors are going to be gone, because we have had such an extraordinarily unusual weather cycle in North Dakota.

That young man told me he has not had a normal crop in 6 years. He is not alone. I don't know whether it is global climate change or this is some very unusual weather pattern, but something is happening in my State, something that is dramatic and unusual and devastating to thousands of agricultural producers. We have a lake in North Dakota called Devil's Lake. Devil's Lake has risen 26 feet in the last 8 years. Devil's Lake is three times the size of the District of Columbia, and that lake

has risen 26 feet in the last 8 years. I don't know how one would describe this, but it is outside any experience I have had to have a giant lake rise 26 feet.

Three years ago in a small town in eastern North Dakota, we had 18.5 inches of rain in a 24-hour period, in a place that only receives that amount of moisture in a year. Something extraordinary is happening. The question is, will there be any Federal response or are we going to say, Tough luck, you are on your own, you are out?

Irony of ironies, after the massive flooding of last year, after the extended flooding in eastern North Dakota of the last 7 or 8 years, this year drought struck, the third worst drought, according to scientists, in our country's history. That is what happened this year. And so instead of headlines about flooding, this is the headline: "Dakotas 'epicenter' of a drought-stricken nation." This is a report from the Grand Forks Herald, one of the major newspapers of our State; in fact, a Pulitzer Prize-winning newspaper for covering the disastrous flooding of 1997, which many will recall, when we had the spectacle of a fireman chest deep in water fighting a fire. The 1997 flood was the worst flood in 500 years in eastern North Dakota. And now that newspaper is reporting on the "epicenter of a drought-stricken nation."

They say here more than 60 percent of the United States is in drought. And we can see the epicenter is in South Dakota. But we are by no means alone because right down the center of the country, right down the heartland of America, is terrible drought this year, the third worst drought in our history.

"Experts say dry spell third worst on record." The only worse droughts were the horrendous droughts of the 1930s, which we refer to now as the Dust Bowl, and the extended drought of the 1950s. Some who are listening may ask, why haven't we heard about this? Why hasn't this been on the national news?

I think we all know why. Go back to 2005 and 2006. The disasters that were in the news were Hurricanes Rita and Katrina. That is what was in the news. And we have responded to those disasters. We have not responded to this disaster because, frankly, it has gotten very little attention.

This will be the last opportunity for the Senate to act on this important issue. Producers across the country can look to this vote today and be able to determine whether the prospects are hopeful. If we get close to the 60 votes or hopefully achieve a 60-vote hurdle, then the possibility of disaster assistance next year is brightened. If we do not come close, then tens of thousands of farm families are going to be at their bankers in the coming weeks, and they are going to be given the grim news that they are done; they are finished; they will not be able to continue.

For over a year I, along with many Senate colleagues from both sides of

the aisle, have been coming to the floor of the Senate seeking to pass disaster assistance for our farmers. Today I come with a bill cosponsored by 27 of my colleagues and myself. That makes 28 of us. On a thoroughly bipartisan basis, we have joined to urge our colleagues to consider disaster assistance. Last spring, as part of the hurricane supplemental, the Senate approved an agricultural disaster package for the 2005 crop year. That measure was later dropped in conference due to opposition from the administration and House leadership. The amendment I am offering today is similar to the bipartisan disaster relief legislation I introduced on September 28 of 2006.

The need for this amendment is compelling. I think my previous remarks made clear why it is so important in my State. It is not just my State. It is North Dakota, Montana, Minnesota, South Dakota, Wyoming, Nebraska, Oklahoma, Texas, Colorado. There are many States that have been affected. In my State, in July I went on a drought tour with my colleague Senator DORGAN and our Congressman. This is my home county. This is a cornfield in July. You have heard the old saw that corn should be knee high by the Fourth of July. You can see there is almost nothing coming up. It is a moonscape. This is what southern North Dakota looked like this year, absolutely devastated.

I even went to a farm where they had irrigated corn. The farmer took me out and we started peeling the ears. And on irrigated corn, the kernels hadn't filled. Why? Because in one day, it was 112 degrees in my hometown. I am not talking about the heat index; I am talking about the actual temperature—in one day, 112 degrees.

When I say North Dakota is not alone, this is from the Drought Monitor from July 25 of this year. The yellow areas are termed abnormally dry; the tan areas are moderate drought; the darker tan, severe drought; the red is extreme drought; the dark brown is exceptional drought. You can see that we have had drought throughout the heartland of America—as I have indicated, the third worst drought in our Nation's history.

Others are communicating with us, telling us of the urgent need for this assistance. We received a letter from 32 of the major farm organizations in America saying pass this disaster assistance. Let me read you the letter:

We write to respectfully urge you to support agricultural disaster assistance for the 2005 and 2006 production years. While many of us are hopeful that even more can be done to provide disaster-related assistance, we believe the bipartisan Conrad amendment, and other such amendments that would make disaster assistance even more inclusive, should be approved by Congress this year.

As you may know, a large coalition has been seeking disaster assistance for more than a year. The coalition is so large and united because last year 88 percent of U.S. counties were declared disaster areas by USDA. This year, more than 66 percent have received that same designation.

With wide support earlier this year, the Senate approved a disaster assistance package. Unfortunately, the provision was changed in conference and the final language only assisted rural residents who were victims of hurricanes, not those who were victims of other natural disasters, such as drought and flooding. While many of us believe that even more needs to be done—and would be supportive of additional assistance—we nevertheless want to ensure that the Conrad amendment is approved.

Quite simply, a disaster is a disaster. We urge you to support the Conrad disaster amendment and oppose a budget point of order against the amendment. Congress should do all they can to provide victims of natural disaster with the assistance that they need and deserve this year.

My amendment incorporates many of the provisions already approved by the Senate. But I have made several modifications to address the objections raised by the administration. The economic assistance provisions to help program crop and dairy producers offset rising energy costs in 2005 have been dramatically reduced. Payments will only be made to producers who can demonstrate they suffered reduced income in 2005 compared with 2004, and the provision requires that those who wish to receive these direct payments forego the crop disaster payments the amendment makes available for 2005 and 2006.

The administration has stated that we need to wait until harvest is concluded. The harvest is over for 2006 and the losses are real and significant throughout many parts of the country. Crop and livestock production loss provisions contained in the original legislation are retained and will apply for both 2005 and 2006.

For those who say you don't have to have a loss to get assistance—wrong. Nobody gets a dime who has not suffered a material loss. In fact, crop producers must have a loss of at least 35 percent before they get a thing. Let me repeat that. Crop producers will have to have a loss of at least 35 percent before any of these provisions take effect for them.

The livestock compensation program will only be made to producers whose operations are in counties designated as disaster areas by the Secretary and who can demonstrate that they suffered a material loss. The provision also contains modest funding for conservation programs to help restore and rehabilitate drought and wildlife losses on grazing lands, and the provision assists small agriculturally dependent businesses that have been dramatically hurt as a result of these natural disasters.

Because of the modifications, the cost of providing disaster assistance for 2005 and 2006 has been substantially reduced, from \$6.7 billion in previous provisions to about \$4.8 billion in this amendment. Some have suggested that this amendment will result in farmers becoming more than whole and that crop insurance is adequate to address the losses our producers have sustained during the last 2 years.

Nothing in this debate has disturbed me more than people making that argument because it is apparent that they simply don't know how crop insurance works. They simply don't understand the formula that applies.

I wanted to provide a specific example to show my colleagues what is going to happen to a typical farmer under the provisions of this legislation. In North Dakota, the average wheat yield is 34 bushels to the acre. The average harvest price is \$4.57 a bushel. So per acre, a farmer could have expected, in a normal year, to get \$157.21 an acre. Now, this year, if they would have a 50-percent loss, their market income would be reduced to \$78.60. With their insurance indemnity, if they bought coverage at one of the most generous levels—the 75 percent level—they would get a \$27 insurance payment. Under my legislation, they would get an additional \$7, for a total of \$113, compared to what they could have expected in a normal year of \$157. They are losing \$44.21 per acre in a normal year. They are still down 28 percent, even with this disaster package. For those who suffer a 75-percent loss—let me say I have many in my State who suffered a 75-percent loss—they would get \$39.30 from the market. They would get an insurance payment of \$54.18.

Under this legislation, they would get an additional \$19.50, for a total of about \$113—still losing \$44 an acre, still at a loss of almost 30 percent.

Mr. GREGG. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. GREGG. Mr. President, I wonder if we can set a timeframe on speaking. Would it be possible for us to ask unanimous consent that after the Senator completes his statement, the other Senator from North Dakota be recognized and then I be recognized?

Mr. CONRAD. Mr. President, we already have a unanimous consent agreement.

Mr. GREGG. I am talking about time.

Mr. CONRAD. We have an order. As I understand it, the order is to be my opening statement, followed by Senator DORGAN for what time he will consume, followed by Senator LANDRIEU for 10 minutes. Is that not correct, I ask the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. CONRAD. So we have a unanimous consent agreement in place. I think we should follow that. In terms of time, I have maybe 5 minutes left in this opening statement and Senator DORGAN needs probably 20 minutes and then Senator LANDRIEU is scheduled for 10, if that is of assistance to the Senator. That would indicate that we have about 40 minutes.

Mr. GREGG. Of course, we usually go back and forth in a debate of this nature. But since that is the order, that is fine.

I ask unanimous consent that after the Landrieu statement, I be recog-

nized for an equal amount of time consumed by the Democratic side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Mr. President, again, I want to indicate the facts. For those who have said crop insurance is the answer, crop insurance will keep these people from dramatic losses—wrong. That is not true. This bill will not prevent farmers from dramatic losses. If they have had a 50-percent loss, even with this legislation, they are going to lose nearly 30 percent. If they have had a 75-percent loss, even with this legislation, even with crop insurance, even with buying up to the level that is the most frequent level that farmers buy, they will have a loss of nearly 30 percent.

This program is not going to make farmers rich or even make them whole. But it will make the difference for thousands of farm families who otherwise may be forced off the land. Farmers and ranchers need assistance for the 2005 and 2006 natural disaster losses, and they need it now. If these emergencies are not dealt with, tens of thousands of farm families and Main Street businesses will suffer, many irreparably.

I have had farm meeting after farm meeting all across my State. Farmers and their families have told me that if assistance is not forthcoming, this will be their last year. I am not talking about a few, I am talking about thousands in my State. As I have indicated, North Dakota, unfortunately, is not alone. This is a drought that has been devastating to the heartland of America. That is why there are 28 sponsors of this legislation on a fully bipartisan basis.

Let me conclude by saying that some have said—I know we will hear this from the chairman of the Budget Committee—this is a budget buster. Now, he knows—and everyone who follows the budget process knows—we do not budget for natural disasters. There is no line item in the budget for natural disasters—none. Natural disasters are handled on an emergency basis. That is what we are seeking—emergency funding outside of the budget because there is no budget for natural disasters—none, zero. If there is going to be any assistance, it is going to have to come as it typically has, by an emergency declaration.

To uphold an emergency designation requires a supermajority vote in the Senate. It requires at least 60 percent to support that designation of emergency. So those who say it is a budget buster—wrong. There is no budget line item for natural disasters—none. The only way there is support for natural disasters is through an emergency declaration over and above the rest of the budget. Why? Because decisions have been made in the past that you cannot predict disasters by their nature. You cannot say a drought is going to happen or a hurricane or a flood is going to

happen. Those are acts of God. They are acts that are unpredictable and, therefore, are not budgeted for. Perhaps they should be. Perhaps we should at least make an estimate, based on previous experience, of what natural disasters cost. But it is not done. So if there is going to be any assistance forthcoming for the tens of thousands of people who have been hurt, this is the chance this year to send a signal of help, a signal of hope, a signal that we will stand with these farm and ranch families and help them in their time of need.

AMENDMENT NO. 5205

Mr. President, before I yield the floor, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 5205.

Mr. CONRAD. I ask unanimous consent that 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.")

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, my colleague Senator CONRAD has described this amendment very well. I appreciate his leadership, as do other Members of the Senate.

For those of us who care about the future of family farming, this is a very important issue for us. I am pleased to be here today to be a cosponsor of this amendment to provide disaster aid to farmers.

Bob Wills and His Texas Playboys in the 1930s in one of their songs had a refrain that I have often used on the floor of the Senate: The little bee sucks the blossoms and the big bee gets the honey; the little guy picks the cotton and the big guy gets the money.

It hasn't changed much over 70 or 80 years. Somehow the big interests always have their day in the Congress. It wasn't too many months ago that they had their day. There was a little provision tucked in a bill that passed the Congress that said to the largest corporations in America: When you repatriate the income you have earned from abroad, we will give you a big deal. You get to pay an income tax rate of 5¼ percent. I think that was worth about a \$100 billion tax cut to the biggest economic interests in this country.

It was done without a lot of debate. There is plenty of money to give a \$100 billion tax cut to the big interests, but now it is time to talk about working families, family farmers, small producers.

The big interests get their day. Now we are talking about the people who shower after work rather than before work. We are talking about the people

who go out and work all day. They grease combines. They plow the fields. They milk cows. They do chores. Then, at the end of the day, they take a shower and clean up because they worked hard all day. They and their families live under a yard light hoping they are going to be able to make a living. Often they plant a seed and hope it grows. They wonder whether they are going to have disease that will destroy their crop. Perhaps hail will destroy their crop. Maybe it will rain too much, or maybe it won't rain at all. Maybe if they get a crop, avoiding all those diseases and natural disasters, including weather disasters, maybe if they get a crop and they haul it to the elevator, it is worthless because that price has collapsed.

Yet that family living on the farm takes all of those risks by itself, and sometimes it doesn't work out for them.

This country for decades—for decades—has always said to family farmers who live out there alone in the country: When things happen that are tough for you—natural disasters, collapse in prices—we want to help you; we want to offer you a helping hand. We have always said that in the form of disaster aid.

It used to be that the disaster aid came in the regular farm bill because we had a disaster title in that bill. That has been changed. So now each year we have to come and plead for disaster help when a disaster occurs that hurts families living out on the farms in this country.

What has happened this year? Here is a satellite description of what happened in our country. This is July, I believe, of this year. The red in this satellite photo shows the drought. The red shows the destroyed forage. One can see the epicenter of this drought is right up in here, but the drought occurs in a wide area of this country. Look at the epicenter of this drought.

Let me read something that comes from a rancher right up here, right in the epicenter of the drought. He says in a letter dated July 12:

The grass is so dry that it breaks off when the cows walk on it. The cricks and dams, they're all dried up. We're going to have to sell some of the cows pretty soon so we can try to save the rest of them. If you can do anything to help us out, we would really appreciate it.

"If you can do anything to help us out, we would really appreciate it." Did anybody get an appreciative note from those who were saved \$103 billion by getting a 5¼-percent income tax break? Did anybody get a note of thanks? Did anybody else get to pay a 5¼ income tax rate? Nobody in America gets to do that. But the biggest economic interests got to do that last year because this Congress was generous: Let me give you a big tax cut of \$103 billion. Now we are talking about a few billion dollars that would reach out and help families—yes, the small producers—reach out and help families

over troubled times. That is what this is about.

Let me describe a little of the history of this situation. Three times the Senate Appropriations Committee on which I serve has approved amendments to provide disaster assistance. Three times I have offered those amendments, and three times they have been accepted. Last December, 1 year ago, during the conference committee on the fiscal year 2006 Defense appropriations bill, I offered a disaster amendment. The Senate conferees—both sides, Republicans and Democrats—agreed to it and accepted it. The House conferees, at the request of President Bush, objected to it because President Bush said he would veto the bill if it was part of the bill.

In June of this year again, the full Senate approved an amendment that was on the Katrina-Iraq supplemental bill, which I included in the Appropriations Committee. Let me mention that in both cases, my colleague Senator CONRAD played quite a significant role in helping to draft the amendment. He serves on the Senate Agriculture Committee, and I serve on the Appropriations Committee. We used the Appropriations Committee as the mechanism by which we have tried to get this done.

Three times the Appropriations Committee in the Senate has passed amendments that I have offered to provide disaster relief. The first two occasions were occasions in which the White House objected. The President actually said, and his advisers said, they would recommend that he veto legislation that would provide disaster help for family farmers.

In June of this year, I attached the other disaster package. It is the one Senator CONRAD and a large group of us—Republicans and Democrats—put together. That is what is on the floor of the Senate right now, to be amended by the new disaster package my colleague Senator CONRAD offers this afternoon, which I fully support.

So this is not a new subject. No one should come to the floor of the Senate surprised. We have dealt with this subject before. The Senate has approved it before by a fairly significant margin. We have been blocked in two conferences with the House of Representatives because the White House decided to block that help.

Let me describe a couple of pieces of history about drought. It is not a new thing to have a weather disaster wipe out family farmers across this country. One can see the epicenter up in the northern Great Plains, but one can see the destroyed forage in a wide band in the heartland of our country.

Some while ago, we saw the tracking and the description and the physical damage of Hurricane Katrina. It occurred right down here in the gulf. It hit this land with devastating force, unbelievable force, and it destroyed a lot of things. Our hearts were broken as we watched what happened in the gulf.

Part of what the hurricane destroyed was the crops that family farmers had down in these fields. They got washed away and destroyed completely. The Congress passed legislation that said to those farmers: You lost your crops due to a weather-related disaster, and here is some disaster aid. The Congress said to these farmers: You lost your crops due to weather, we are going to help you.

These farmers have lost their crops due to weather. They are just in a different part of the country. No, it is not a hurricane, it is a drought. This had a name; this didn't. Is there a difference? These farmers write to us and ask: What is the difference? We had a weather-related disaster that wiped out everything we had—all the feed, all the crops. We had to sell our cows because if you have a cow and you have no feed, that cow is going to market. We lost everything, they say.

How is it you help farmers in one part of the country who suffered an entire loss of their crops due to a hurricane and then turn a blind eye to farmers in other parts of the country who lost their crops due to drought and other weather-related disasters? How do you justify that, Congress?

The answer is there is no justification for that. When we decide we are going to help—and we should, and I have always supported that, during tough times we are going to help family farmers—then we must reach out to all the farmers in this country who suffer these devastating losses.

I am not interested in sending financial help to farmers who didn't have these losses. They are just fine. That is not what we are here about today. Today we are about the issue of trying to reach out a helping hand to those farmers who suffered a weather-related disaster and suffered losses.

Franklin Delano Roosevelt went out in the country during disasters, and he actually had a tough time traveling. He traveled by train. He showed up in my part of the country on a drought tour. Then he showed up in Huron, SD, on a drought tour. Let me read what the President said. The reason I say this is we asked the President to come out and do a drought tour this past year, or one of his underlings to come out and do a drought tour. In 1936, Franklin Delano Roosevelt did a drought tour. He stopped in Huron, SD, and here is what he said:

No city in agriculture country can exist unless the farms are prosperous. We have to cooperate with one another rather than buck one another. I have come out here to find you with your chins up looking toward the future with courage and hope, and I'm grateful to you for the attitudes you are taking.

He was on a drought tour speaking from a platform on the back of a train.

He was also in Devils Lake, ND, August 7, 1934. Let me tell my colleagues what he said about a drought tour, this President who took a train around the country. He said:

I cannot honestly say my heart is happy today because I have seen with my own eyes

some of the things I have been hearing and reading about a year or more.

A growing drought that was eating the crops and destroying the crops. He said:

But when you come to the water problems up here, you are up against two things. In the first place, you're up against the forces of nature. The second, you're up against the fact that man, in its present stage of development, cannot definitely control those forces.

The fact is, the President went on a drought tour and said: We want to help family farmers. It is not much different than what we say today. This is important.

Let me show a photograph of a North Dakota family farmer. He allowed me to show this photograph on the floor of the Senate. This is a picture of one of the ranchers, these ranchers who, in many cases, had to sell their entire herds or parts of their herds because they had nothing to feed their cows. As I said before, if you have cows and you don't have feed, those cows are going to go to market and be sold. That is what has happened.

This is Frank Barnick. Frank and his wife and son raise cattle in Glen Ullin, ND. In this picture, he is walking in a creek bed that normally would provide water for his cattle. As one can see, it looks more like the surface of the Moon. There is no grass there, no water there. Frank says:

It's the worst drought I've ever seen. You do a lot of praying wondering how you're going to get through it.

One of the issues about getting through these tough times is the issue of what is Congress prepared to do. What is the better instinct of those who serve here? I have served in Congress for some long while, and I have always been proud of being willing to vote for emergency legislation to help people in need. It doesn't matter where it is for me. If it is a hurricane that hits the South in the gulf coast, a hurricane that hits Florida, I want to be there with my vote to say this country wants to say to you, victims of hurricanes, weather-related disasters: You are not alone. You are not alone because this country cares about you. I have always been proud to cast those votes. I never had a second thought about them, and I never wondered very much whether we should. It is part of the better nature of this country to reach out to people and say: You are not alone and we want to help you.

I think of all of the things that we have done in this Congress in the last couple of years to help people. We go all around the world. It is an enormously generous country. We do a lot of things to help with everything virtually everywhere, and that is very important and I am supportive of that. But I think it is very important as well that we help people here at home and that we say to people here at home with respect to problems here at home that they are important to us, that what is happening in America is important to us as well.

Last year, we had people in the northern part of our State who woke up one morning to find that they had a million acres, a million acres of their ground—these are family farmers who had planted in grains—washed away and gone and could not be replanted. We had another million acres that could never be planted. We are talking about 2 million acres of ground because of torrential rains that were destroyed with respect to their productivity to raise a crop, and those family farmers sitting out there with that 2 million acres were left to wonder: What next? Will I be able to continue to farm? Will I and my spouse and my son and daughter be able to continue to own this farm?

Well, we have had torrential rains and flooding that devastated a region of our State, and then we have the epicenter of the drought, as I have just shown, that is almost unbelievable.

My colleague, Senator CONRAD, and I and a Congressman took several drought tours, and I have never seen anything like it. When you lose your crop or you lose your pasture and you have no capability to feed cattle or to plant a seed or harvest a crop, is it exactly the same circumstance which that family faces as the circumstance faced by a family farmer in the gulf region in Mississippi, Alabama, Louisiana? Of course it is. It is exactly the same.

So my colleague today brings a piece of legislation to the floor that we have worked on and tried to perfect that does, as best we can, say to family farmers: Here is a package of disaster relief. No, it is not going to make anybody whole. This is not a massive package that everybody is going to be happy with, but at least it says to those farmers: We want you to have a chance to continue farming.

On a couple of occasions I have described the value of this, the cultural value of even caring about farming. Some people say: So what. Let the market system work. If a family is too small to make it and it floods and they can't get a crop and they are broke, tough luck. So long. See you in town someplace. Somebody else will farm that land.

We, over some 5, 8, 10 decades in this country have known better than to take that attitude. Rodney Nelson, a writer from my State and a rancher from out near Almont, ND, wrote a wonderful piece about farming. And he asked a question which is important for people in this Chamber to ask. He asked the question: What is it worth? What is it worth, he asks. What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to plow a field? What is it worth for a kid to know how to hang a door? What is it worth for a kid to know how to grease a combine? What is it worth for a kid to know how to change the oil in a tractor? What is it worth for a kid to know how to teach a calf to suck milk out of a pail? What

is it worth for a kid to know how to brand? What is all that worth? What is all that worth?

There is only one place in America where they teach all that. Read the history of the Second World War and see all those young men that marked off America's farms that could fix anything, drive anything, do anything all around the world. There is only one place they teach that, and that university exists on America's family farms. So what is that worth to this country? Does it matter that families live under the yard lights out in the country on our farms? Does it matter? It does to me. It does to me.

No, they are not big interests. I understand that. They are small producers. But they deserve a voice in this Chamber. They deserve their day. They deserve the debate about their value and their worth to this country. I guarantee you the big interests get their day virtually every day in these Chambers.

This is a day to talk about what it is worth. What is it worth for this country to say to family farmers: You matter and you are not alone when trouble strikes. What is that worth for this country?

That is why we offer this amendment today. It is important. In March and April as we prepare for a new year in the Congress and work on appropriations bills and so on, there will be farmers who will learn whether they are able to plant another crop or whether they are going to be kicked off the land. They and their families will learn: Does their dream continue or is it over? And it will depend in large part on what this Congress does on this issue. We should not consider this some sort of idle exercise.

It is true that amending this Agriculture appropriations bill is not going to apparently produce this product by the end of this week. But this Agriculture appropriations bill, one way or another, is going to end up in some kind of an omnibus bill in February or early March. I am an appropriator. I am on the committee. And we are going to do some kind of an Omnibus appropriations bill, and I will do everything I can to see that this kind of disaster package is included in it. Putting it in this Agriculture appropriations bill today is the first step in trying to insist that this, too, be a priority for our country.

Let me say to my colleague, Senator CONRAD, I appreciate working with him on this and many others, and underscore the point that he has made repeatedly: This is not partisan, it is bipartisan. We have aggressive, strong Republican supporters and Democratic supporters to this provision. It is important to understand that. This is about our priorities. It is always about priorities, what is important and what is not important. And so I congratulate and thank the chairman of the subcommittee and the ranking member, Senator BENNETT, Senator KOHL, and

thank all of those who have joined in a very substantial bipartisan amendment to once again say to this country and this Chamber that family farmers matter to this country. And when they are in trouble, we need to reach out to say to them: You are not alone. The best, most effective way to do that today is to pass this amendment, and I hope we will do that by the end of this day.

I yield the floor.

Mr. CONRAD. Mr. President, I thank my colleague, Senator DORGAN, who has been such a leader on this issue for our farm and ranch families and who has repeatedly offered disaster legislation on the appropriations bill and has repeatedly passed it on the appropriations bill. In fact, there is, in the underlying appropriations bill of the Agriculture Committee, disaster assistance. The problem is, though, it only covers 1 year, and we now know we have had 2 years of remarkable disasters.

While we are waiting for Senator GREGG to come to the Senate floor, I thought I would just take a moment to read from some of the letters from farmers in my State, the things that they have written me. This is a letter from last year, the flood year. This is what the man wrote:

The rains began in earnest the last days of May 2005. Our crops were in the ground so the majority of the input costs for the crops were already realized. We received 25 inches of rain in 33 days. The attached pictures show the result. In our local town residents were going up and down the streets in boats.

We did our very best to cope with expenses but with the increased energy prices and the loss of crop income, we and all the other producers in our area lost the battle. Our farm had financial reversals in the amount of \$110,000. We carry crop insurance but this program does not begin to cover our risks.

In speaking with loan officers at 2 of our local banks I was told that First National Bank expects to restructure 60 percent of their ag loans. State Bank estimates restructuring 75 to 80 percent of their loans. This is serious business in agriculture.

He closed by saying:

Please support disaster relief currently working its way through Congress. If you do, you will literally be the difference between me being able to continue to produce food and fiber for this great Nation and not being able to continue this production.

A second letter from a man this year:

I farm and ranch with my father and mother and this is the second year in a row that our neighbors and ourselves have endured natural disasters. When I say disaster, I mean 25 inches of rain in the month of June alone, and complete crop loss. I farm approximately 630 acres myself, and I did not harvest a single kernel of grain from any of it. The rivers started to run the 3rd of July and pushed across 80 acres of my alfalfa field, killing approximately 40 acres.

Enclosed are pictures to give you an idea of what the conditions were like. The pictures look as though they could have been taken after Katrina, but we know otherwise. Those people need assistance for a complete loss. What we had here was not as catastrophic on a widespread manner, but destruction of crops was there. Please assist us. Thank you for your time and any assistance you might provide.

This is another letter. This letter is from this year. And, remember, last year we had this incredible flooding, and now this incredible drought.

We are writing to ask for your help. We were burnt out this week by a prairie fire on the Standing Rock Reservation. We lost 5,000 acres of pasture. We don't know how we are going to feed our cattle this winter, as we have lost our winter grazing.

This, on top of the drought here in south central North Dakota, we don't know how much more we can contend with. We planted wheat, but have nothing to harvest this year due to a lack of rain, and crop insurance will barely pay our input costs, so there will not be any income from a crop this year.

As for buying feed for cattle, hay will cost approximately \$100 per ton with trucking. We will also need to purchase supplement and corn. This is in addition to the high cost of electricity, fuel, and propane.

We don't know how much more we can endure. We don't know why our country helps other nations, but not our own people, and especially the farmers. Other nations give nothing back.

Selling the cattle is not the answer either. As a result, there will be no income. Please let us know if there is any assistance for us.

And another letter. This is from the head of a bank, the Commercial Bank of Mott, ND, near where Senator DORGAN grew up:

Attached are six agricultural operations associated with the Commercial Bank of Mott. Five of these businesses are located in Hettinger County and one in Grant County. Over the course of the last two weeks, these producers have come to the bank to discuss their financial position. The projections attached have been assembled to reflect accurately each producer's current standard.

As you review each and every projection, it is apparent that all of these producers were dramatically affected by the drought of 2006. At this writing, without any government intervention or disaster aid, it appears that three of these producers will be going out of business. They simply cannot absorb losses of this magnitude.

The last spreadsheet attached shows that the six producers have collectively lost \$875,000 in this year.

Six producers losing \$875,000.

We are here today because you have asked us to come. We now ask you to support agriculture and to help provide these producers with a fair and equitable disaster program. I might add, the program is needed now.

Mr. DORGAN. Mr. President, I wonder if my colleague would yield for a question.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. In the context of how much money is required to try to be helpful to family farmers as they struggle through this weather-related disaster period to determine whether they are actually going to be able to continue farming, I noticed a story the other day—I believe it was yesterday—which stated that we now have 100,000 private contractors we are paying in the country of Iraq. We are passing pieces of legislation here in the Congress, hundreds of billions of dollars of supplementals, emergency supplementals. My understanding is that we are going to be presented with another

emergency supplemental for \$120 billion.

In terms of what one spends, at least with respect to helping farmers who have gotten hit with tough times, you know what you are doing and where it is going to go.

The point I am making is, isn't it the case that in the context of all of this, we are not talking about a great deal of money, but in this case we are talking about a lot of people who will be directly helped, and it likely will determine whether many of them will be able to continue working on the family farm and operating the family farm? I understand this is an expenditure of money, but to the extent that we have emergencies bantered around here virtually all the time, it really is an emergency when a weather-related disaster hits—really hits—and devastates a region. That really is an emergency, to determine whether you are going to be able, or willing, to help families in deep trouble. Isn't it the case that this is not a substantial amount of money, given all the other things we have decided to very quickly say yes to?

Mr. CONRAD. I say to my colleague, this equals about 10 days of expenditure in Iraq, based on what we are told the supplemental will be and what is already in the budget. So this is modest compared to previous disaster packages. It will not make farmers whole.

As I have indicated in the examples I have provided, farmers who had a 50-percent loss will still have a 28-percent loss in economic terms, even with this package. A farmer who has lost 75 percent, even with this package and with aggressive crop insurance, will still have a 28-percent loss as well.

This is a defining moment for thousands of people.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the parliamentary situation relative to time?

The PRESIDING OFFICER. The Senator from New Hampshire controls 60 minutes.

Mr. GREGG. Mr. President, I rise in opposition to this amendment. I do feel it is uniquely ironic that the first amendment offered—and this was the first amendment offered after the election—would increase the debt of this country by \$4.9 billion; that it would abandon the budget and essentially say we should spend additional funds and pass those costs on to our children.

Throughout the election cycle, I think I heard a great deal about fiscal responsibility. I especially heard it from the other side of the aisle, about how we as Republicans have been profligate allegedly. Maybe those were just words, because the first formal action taken by the other side, which is now moving into the majority position, is to spend \$4.9 billion which we do not have on an emergency which is declared in the agricultural community, and which funds are, in many instances, not even emergency related if

you were to define a traditional emergency.

It is hard to understand how we can want to increase the debt on our children in this manner. Clearly I think it is inconsistent with what the American people asked for when they voted in the last election. I think they asked that we have a reasonable approach to fiscal policy, that we start spending within our means, and that we stop passing on to our kids the costs of today. This is a cost of today.

This amendment should have been handled in the regular order of the appropriations process. It should have been handled by being offset or by a reduction in expenses somewhere else, or it should have been handled within the spending cap which was proposed for the agricultural community. It is not. It is an emergency which is a designation placed on it basically for the purposes of avoiding the obligations of the budget.

Let me ask, is it really an emergency that we spend \$24 million provided solely to the sugar beet producers rather than giving them the assistance through the crop disaster program? That is an earmark, that is not an emergency.

Is it really an emergency to spend \$3 million specifically providing sugarcane growers in Hawaii nondisaster assistance? It is simply an earmark. A \$95 million payment to dairy producers for losses? Earmark. What about \$6 million provided for a flood area in North Dakota? An earmark. Or \$1 million for a land replacement and retention program? An earmark. Or \$10 million for the purposes of a watershed project in another State? An earmark. These are not emergencies. This is simply an attempt to get votes. That is the way it works around here. You get a big chunk of money, you put an "emergency" title on it, and then you run around and adjust the spending in that amount of money so you can pass it and avoid the 60-vote point of order. Logrolling is the term that historically has been applied to that. People don't remember that term, but that is what it is historically.

The irony is, of course, the underlying bill already had \$4 billion of emergency money designated in it which should not have been designated, but that money wasn't allocated in a way that the sponsors of this bill felt comfortable enough with to get the 60 votes, so they took that money and cleared it with this money and basically added \$4 billion to the debt.

When we say added to the debt, what we are saying basically is our children are going to have to pay for it. Our children are going to have to pay tomorrow for costs that are going to benefit a small group of farmers today. That cost should have been borne by expenditures being reduced today or expenditures being reallocated today. It should not be borne by throwing it on the deficit and making our kids pay for it.

There are some other things in this declaration of additional deficit spending of \$4.9 billion which are questionable. For example, dairy farmers and certain crop programs can receive this payment for production if they can show they had a loss in 2005 net farm income compared to 2004. There is no requirement that loss be shown related to anything that had to do with an emergency; it could be that they became inefficient, ineffective, or simply didn't know what they were doing and made mistakes. But they are going to get paid for not making as much money in 2005 as they did in 2004. It has nothing to do with an emergency. It is only if they can show they didn't do as well in 2005 as they did in 2004, they are going to get tax dollars.

There are a lot of businesses in this country today that did not do as well in one year as they did in the next year. Are we to declare that every one of those businesses should get emergency funds simply because they had a difference between their income in one year from the next year? The fact may be that the difference in income was because 2004 was a great year, as it happened to be, and 2005 wasn't a great year. It was a good year, a very good year in many farm communities, but the difference is now going to be picked up by the taxpayers. So essentially there wasn't a lot of incentive to do better in 2005 than 2004. Essentially we are saying to those folks who worked harder and were more productive and did have a better year in 2005 than 2004: Sorry, your activity wasn't relevant. The person who didn't work as hard as you, who wasn't as productive as you, maybe ran his farm more poorly than you, we are going to pay him the difference in income from 1 year to the next. That is classic 1930s Government, I guess, if you believe in that theory of governance, the theory that people should be paid for doing a lousy job and not being productive.

This amendment in and of itself represents a 23-percent increase in 1 year in the subsidies for farm programs in this country; 23 percent. That is a huge 1-year shot of expenditures. It is rather dramatic, to reflect the fact it is in relationship to the emergency process when there is no relationship; they are disjointed here. There is some, but it is primarily disjointed.

The way this amendment is structured, the way this language is structured, under the traditional crop insurance program a person is supposed to buy crop insurance. Under this bill, if you do not buy crop insurance you are still going to get paid. In fact, they are no longer subject to the percentage cap, which is the traditional way. So you could actually end up making more under this program, under these proposals, with a crop loss than you would make if you had actually brought your crops in on target.

It is inconsistent with marketplace economics, as is the concept that you would get paid for having a bad year,

the difference between a good year and a very good year.

The contrast is pretty significant because what they have done is reversed what has been a historical factor with our agriculture bills, which is that you include in most of the agriculture disaster bills that come through this body—in fact, all of them—that they have included a percentage cap and a requirement to purchase crop insurance. This bill rejects both of those concepts, which is sort of even a bigger grab at the taxpayers' wallet.

This bill affronts the sensibilities of fiscal responsibility. I mean, the idea that you would spend \$4.9 billion outside the budget as the first act of the Congress, after returning from an election when the American people said get your fiscal house in order, is an affront to the election process. It is like saying there was no election. People didn't have anything to say in the last election about fiscal responsibility; it was all about other subjects. I disagree with that.

This sets a very bad tone, in my opinion, for the next Congress. This is truly the first act of the next Congress, whether we are going to live within the budget for the fiscal year under which the next Congress is going to function. Under this proposal, we are not only going to not live within it, we are going to make a joke out of it. We are going to spend \$4.9 billion, much of it earmarked—not much of it but a significant amount of it earmarked—much of it reorganized so it is structured in a way that benefits folks who may not have had a disaster at all and much of it structured in a way that rejects what has been the historical approach toward farm disasters, which is it has to have a relationship to a percentage cap and to production and to purchasing of crop insurance.

It is terrible, fiscally. It is bad policy from a farm standpoint, also. It is essentially an attempt to build a coalition of 60 votes, which 60 votes will then represent a raid on the Treasury on behalf of an interest group, an interest group which has compelling arguments but which is still an interest group and is difficult to defend in the context of fiscal responsibility.

That being the case, this proposal is subject to a point of order. If the Senator from North Dakota is ready, I will make the point of order now.

Mr. President, I ask unanimous consent that I be allowed to raise the point of order at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, pursuant to the fiscal year 2006 budget resolution, I raise a point of order against the emergency designation of the pending amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, pursuant to section 402 of House Concurrent Resolution 95, the concurrent resolution on the budget for fiscal year 2006,

I move to waive section 402 of that concurrent resolution for purposes of the pending amendment.

I ask for the yeas and nays at the designated time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. GREGG. I now yield to the Senator from Oklahoma such time as he may desire.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first, I compliment my colleagues from North Dakota. They have described a very real problem in farm country. Western Oklahoma and north central Oklahoma have been plagued by drought. Much of the wheat crop could not be planted last year because there was no soil moisture in which to plant it. The problem they are describing is a very real problem. The emotional context in which they put it is a very true indication of the plight of some of the farmers from Oklahoma and throughout the country.

When you look at agriculture in our country, what we find is it is basically undercapitalized. If the average farm was about 1,800 acres, the average farmer could take 2 terrible crop years and still be OK, still have his assets, still have the ability to come back and earn again. We have great commodity prices right now. The problem is there were no crops to take advantage of those great product prices.

The idea that we ought to be about helping our farmers is a correct idea. I applaud both Senators from North Dakota for their persistence in bringing up this issue. As a matter of fact, I think this issue is so important to the real problems that are out there because I don't see how we can leave here on Friday, which everyone is planning on doing, and not address this issue.

There is a lot I disagree with in this bill. The Senators from North Dakota know that. I have expressed it. I am going to outline some of those.

If this election taught us anything, it is that the American taxpayers want us to put good value with what we do.

A couple of facts: This bill can be paid for. It is not. This amendment is not paid for. But it could be. As a matter of fact, I would bet that after this election we have a consensus within the Senate to pay for it. Let me give you some examples how we pay for it.

I know the Senator from North Dakota has another which I didn't think of, but I know several on this side would probably agree it is a great pay-for. There is \$8.13 billion in unobligated balances in the Agriculture Department right now. That money could be used to pay for this, and then in the re-appropriations process that we start in February we could come back through, recognizing that we are using \$4.8 billion of that money to pay for this.

One of my problems with the Agriculture appropriations bill that this

amendment is going to be attached to is there is \$800 million worth of earmarks, most of which come out of the very services the farmers are dependent upon to grow a good crop. A lot of it comes out of ARS, the very thing we shouldn't be taking money out of, but yet we have \$758 million worth of earmarks that aren't necessarily a priority for our country or the farm communities but are a priority in terms of the political benefits that it gives the Members of this body and the House.

This is a fine-print page of all the earmarks in this bill. Most of the American public, when they look at it, 50 percent of these projects they would have trouble stomaching saying this is a priority at this time. There is no attempt to eliminate the earmarks to pay for this, which would pay 20 percent of this Agriculture bill disaster amendment we have before us.

Mr. CONRAD. Mr. President, will the Senator yield for one moment?

Mr. COBURN. I would be happy to.

Mr. CONRAD. I am very much in sympathy with the Senator on the notion of paying for this. In fact, I spent much of the morning trying to figure out a way I could offer a pay-for which I think the Senator and I might agree with and I think most of the body would agree with. It would more than pay for this. I have been advised by legal counsel that if we offer a pay-for in the context of this bill and this amendment, we would then be subject to rule XVI. Under rule XVI, any Senator can raise it and the amendment would fall with no vote. So we are in a very unfortunate circumstance. We can't offer a pay-for.

Let me be very direct about what the pay-for is which I would have offered today if I weren't prevented by the rules from doing so. It turns out the Interior Department failed in contracts with oil companies to provide for royalties when oil prices went above a certain amount. Oil prices are above that amount today. The loss to the Treasury, I am told, is in the range of \$11 billion. That would pay for this twice over. Unfortunately, we can't offer our proposal and the Senator can't offer his without being subject to rule XVI. I wanted to say that for the RECORD. I appreciate very much that the Senator knows I wish to pay for this as well. We have a way to do a pay-for, but I am precluded by the rules from offering it.

Mr. COBURN. Mr. President, I thank the Senator. I reclaim the floor.

Let me talk again about some of the problems that are behind the bill as it is presently written. We are never going to have a crop insurance program in this country that will ever work if we keep bailing people out who fail to buy crop insurance. Granted, there is a change in this bill from what it was. It was 35 percent or 40 percent available to those who didn't buy crop insurance. Now we have cut it to 20. But we are still sending a signal that you don't have to buy crop insurance, because even if you do not, we are going to be

there with the money. That is exactly the wrong signal. If we want to have a crop insurance program to work, we have to have the discipline to say if you choose not to buy it and we had this available to you, then in fact you are not going to get the benefit.

Mr. CONRAD. Will the Senator yield on that point without interfering with the Senator's time?

Mr. COBURN. I am happy to.

Mr. CONRAD. Mr. President, I will take this on my time.

The Senator makes a very good point. In previous disaster bills, those that did not have crop insurance got 45 percent of the prevailing price. Under this bill, we have dropped that dramatically to 20 percent. Why? The Senator asks a very good question. Frankly, the overriding reason is there are certain crops for which crop insurance doesn't work at all, largely specialty crops in this country for which the crop insurance program badly needs reform. I think most of us from farm country would agree on that. There are real problems with crop insurance. Crop insurance for specialty crops was never written in a way that makes any economic sense, or in many cases covers the crops at all. That is why we still have a provision that gives some assistance to those who do not have crop insurance.

Mr. COBURN. Mr. President, reclaiming the floor again, the point is had we not given 45 percent before, many of these would have bought crop insurance. The very fact that we are going to go out and give money to people who had an opportunity to protect their losses and chose not to, we are sending a signal that we are going to get less participation in crop insurance, not more. What we want is a crop insurance program that will work and which has the incentive so that many farmers say, Uncle Sam isn't going to come; I have an opportunity to protect myself and I am going to buy it. Does it cost me something? Sure.

The second point I was going to make relates to the chart which the Senator from North Dakota showed which showed the amount of losses. What he didn't say is that farmers also had the opportunity to buy a much higher level of coverage which they chose not to do. But it is out there. Had they done this, their losses would have been far less than they are today. Economically, they have to make a decision. I am not against helping those who are in need today. But I think there are things which could perfect the amendment which I hope the Senators from North Dakota would consider. We have had two great production years in this country where net farm income has been as high as it has been except this last year. We are going to be calculating off a base of the highest that we had. That is number one.

Number two, there is nothing in this that looks at net assets of a farmer because farmers who in fact are capitalized to the degree that they can take a

tough year—we are going to pay them, too. The American people have kind of spoken in November. Use common sense. Give us value for our dollar. The very well-to-do farmer who is very well capitalized we are going to bail out as we are going to bail the guy who is not, and he is the one who doesn't need bailing out.

What I want to see us at some point go to in the future with our farm programs is how we increase the capital of the individual farmers where they are capitalized to the level where they can in fact hit a bump in the road and still make it; can in fact hit 20 bumps in the road, and we know what that is. I have the studies. It is a minimum of 1,800 acres and the capital to supply the equipment to farm such 1,800 acres.

The other thing in this bill is the duplication of programs that are already out there. That is \$300 million to help small businesses who supply the farm community. That is what the Small Business Administration is all about. We are going to turn around and give \$80,000 to small businesses. We have a program for that. Yet we are going to turn around and create another Government program that is going to say you didn't have to be a good businessman if there is a little bit of a dent in the crop year; all you have to do is come and be bailed out, too, instead of taking a program that we need to make better, that sends a signal to the farmers, saying we are going to help you when you need help, but you have to be responsible in terms of crop insurance. We will let the other branch of the Government that has these areas covered be made available and we will help nurture the staff there.

One other area that kind of drives me crazy with this amendment is we are adding staff to the Department of Agriculture. They have 95,000 employees. Not all of those are in agricultural production. They have several thousand contract employees, and we are going to add employees to implement this.

I tell you that from my visits around Oklahoma, there are more than enough people at FSA and all the different branches and all the different organizations associated with the Department of Agriculture to implement this now. We don't need to add people. What we need to do is get the money to the people who need it. And we can do that. All we have to do is have good management and good direction.

I abhor the fact that we steal money from ARS for earmarks to help us politically but hurt the very people that we say we want to help with this amendment.

I think it is also wrong to take money from AFS which deals with bovine encephalitis and bird flu. We are taking money and time away from that agency to pay for earmarks. That is wrong. We shouldn't be doing that. If we are going to have earmarks, let us take it from some place that is not going to undermine the very farmers we say we are trying to help.

We have a ton of cattle in Oklahoma, and I know we do all through the central Midwest and in the upper plains, that have been markedly harmed by the drought.

We need to be careful with the precedent we set here. We are slowly moving in a direction to make all production agriculture similar to what we have done with crop insurance agriculture. I think we need to have the patience to say how do we do this in a way that does not create another expectation of bailing someone.

The Senator from New Hampshire was very correct when he talked about what this bill is going to do in terms of busting the budget. I am going to be voting to sustain the point of order because I don't think we should be doing it that way.

I want to be very clear. That doesn't mean I think we should not be doing something to help farmers. I also will say very insistently that if this Congress goes home without addressing this issue on a freestanding bill for agriculture assistance, I think we will have let down the American people. I know we will have let down the American farmer and rancher.

I think we ought to consider looking at the adjournment resolution and mount an opposition to this if this issue is not addressed before we go home. I think we can work behind the scenes to pay for this. I think we can work behind the scenes to change it where we can build the support for it, and I think we can work behind the scenes to give something to the President that he can sign and start implementing the month of December into January, and farmers will know whether they are going to plant a corn crop in March or a wheat crop next fall if they haven't been able to plant one this year.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. COBURN. Certainly.

Mr. DORGAN. Mr. President, the Senator from Oklahoma, makes some important points. He talks about the need to have patience. One of the issues for all of us is we are about out of patience on this issue. The fact is it has been almost a year and a half trying to move this the third time—not just this but a different variation of this—trying to find a way to help those producers who are hurting. Patience is a virtue, but sometimes we run out of patience, and we are near that end.

With respect to the question of payment limits and so on, I agree with the Senator. Senator GRASSLEY from Iowa and I have coauthored amendments—and we will again offer amendments on the floor of the Senate—to establish payment limits in the farm bill. My colleague Senator CONRAD has been an active supporter of that. We don't have disagreement on those kinds of issues. I think the crop insurance program, while important, has never been sufficiently contracted to reap prices and replace disasters when a real disaster

strikes. That is part of the issue here. These aren't just bad rains or high winds; these are real disasters when you see the epicenter of a drought that destroys all of the farmers. I am sympathetic. I understand what the Senator from Oklahoma is saying. I hope he understands patience is not inexhaustible when producers are wondering whether they and their family are going to be able to continue. I am talking about a lot of families who are struggling very hard.

Let me say finally the sentiments of the Senator from Oklahoma about trying to help family farmers is very much, in sync with the sentiments of Senator CONRAD and others. We very much want this Congress to reach out a helping hand to those farmers who risk losing everything if we don't help them some, and say, You are not alone, we are going to help you. That is what we are trying to do here.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oklahoma.

Mr. COBURN. Mr. President, the overall point of all this is we can do this the easy way or we can do this the hard way. The hard way is what the American people expect us to do—and the hard way is paying for this. The easy way is not to pay for it. The easy way is to walk out of here this Friday having maybe passed your amendment or not. It is not going to make any difference in terms of the farmers because it isn't going anywhere. We have already been told that. The hard way is to make the tough choices about the priority of the Government spending of this country and say the farmers ought to be prioritized at this point in time. We are going to do the hard work to make the cuts somewhere else to pay for it.

Mr. DORGAN. Will the Senator yield for a brief point?

Mr. COBURN. Let me make my point. I will yield in a minute.

What we are doing, if we pass this without offset, we are taking out the good old politician credit card saying we don't have the guts to do it the right way, we don't have the stamina to do it, we don't have the courage to do it. By the way, grandchildren, here you go. Back in 2006, we couldn't do the right thing, we didn't have the courage to do the right thing, and we are charging it to you. And besides charging it to you, we will charge the interest from the time now until you are 40 years of age, so you are paying 40 percent or 50 percent regular, middle-income-America taxes because that is the only way we will get out of this.

Three points, and then I am finished.

There are things that need to be changed in the bill that send the wrong message, especially on crop insurance. We will never get crop insurance fixed if we keep sending the message we are sending with this amendment.

No. 2, there are other organizations within the Federal Government designed to help small businesses. We ought to use them rather than create another one.

The third point, we ought to pay for it. We as a Congress do not have the courage to stand here and fight and say we are not going home until we have taken care of this problem for the farm community in America and done it right—not limiting payments but looking at payments as a percentage of your net assets rather than having a fixed dollar amount. We don't have the courage to do that for the American people.

That is what the American people rejected in this last election. They want Congress to stand up and fight courageously for the values they use every day in their homes and their jobs when they have to make decisions. They have to decide on priorities. We will walk out. There isn't going to be any aid for the farm community. Come back in February. When we do it again, it probably isn't going to get paid for—either the Agriculture bill, for \$4 billion in the original Agriculture bill, or this one probably won't get paid for, and we will slip them a credit card and say: Timeout; we will not make the tough choices; we did not have the courage to fight for your future.

By the way, the exit polls at the last election show that 57 percent of Americans do not believe their kids will have it as good as we have it today. If we keep doing this, they won't. It is our obligation to start acting and doing what we say on the campaign trail. We are interested in securing the future for the next generations of this country.

I yield the floor.

Mr. DORGAN. I don't have disagreements about the issue of the pay-for here, and I think my colleague has already described he has a provision that would pay for this. There is a rule XVI against it if he puts it in this bill. I suggest perhaps we do a unanimous consent on the pay-for. If he doesn't, I know a politician who will easily pay for it. I will do a unanimous consent to pay for it. It will be objected to, regretably.

These things ought to be paid for. The first time we suggest this is when a family is in trouble on the farm. We have had hundreds of billions of dollars come through here with hardly a blink, none of it paid for. That ought to change. I am with the Senator from Oklahoma. Let's try to change that.

The fact is, this does not have a pay-for, not because Senator CONRAD doesn't want it there or I don't want it there; it ought to be there. We have the device by which this can be paid for. There is a rule against it, but we ought to do a unanimous consent to describe the fact that it will be objected to, but we want it paid for.

Mr. COBURN. I agree with the Senator. He knows my record. I have not voted to not pay for anything in this body. I don't believe we borrow the future of our children to take care of our present-day needs.

Mr. CONRAD. Will the Senator yield?

Mr. COBURN. I am happy to yield.

Mr. CONRAD. On the question of paying for it, I have complete agreement with the Senator from Oklahoma. I wish the rules permitted us to offer an amendment to pay for it.

No. 1, on the question of requiring—that we have dropped the crop insurance requirement, we did because it cost money. It is the scoring rules around this place that don't make much sense to me. When we submitted it to CBO, they said if you have a crop—I submitted it with the crop insurance requirement in it, and they said if you do that, it costs \$40 million.

No. 2, there is a payment limit in this legislation. It is an \$80,000 payment limit. There is a gross income test in this legislation.

We tried to address some of the things the Senator is concerned about, and he is right about those things. We have tried to address it with a payment limitation—\$80,000—with a gross income test, which is a little different from a net asset test, but it tries to get at the same point the Senator is making.

I say to the Senator on the question of the small business economic loss grants, the Senator cited the \$300 million that was in the previous legislation. We cut that to \$100 million. We left it in there for this reason. We have heard from crop sprayers all over the country, at least the drought-stricken area. In the heartland of the country, they have reported they have gone to the SBA. They told them they have suffered such devastating losses, they are not eligible for SBA, they are out. That is the reason the \$100 million is left. It really is for those who are most directly affected by a dramatic falloff in acreage. This started with a company in North Dakota that called me. The acreage they were spraying was reduced 80 percent this last year. Their losses were staggering. If there is not something like this, they are out at SBA. Then we started research in other States and found the same thing. That is the reason for that.

I go back to the question of providing some assistance to those who didn't buy crop insurance because I basically agree with the Senator's point. We do have this fundamental problem of crop insurance not being practical and not being available, in many cases, for the specialty crop people. We did try to get at the point the Senator is making by dramatically reducing what they get.

Under previous disaster bills, they would get 45 percent of prevailing prices. In this disaster bill, we have dropped that to 20 percent. We didn't think it was fair to eliminate it given the fact we have not crafted a crop insurance program—especially that the specialty crop people could have available to them—that is economically viable.

I thank the Senator very much for his courtesy.

Mr. COBURN. Mr. President, I thank the Senators from North Dakota for their effort.

This bill coming to the floor, the underlying bill—not this amendment—the emergency money could have been offset when it came through the appropriation process, and it wasn't. It was just put in. We don't want to make the hard choices. We don't want to pay for them. That has to change in the future.

My hope is we will give some consideration because as things stand and look now, we are not going to have an emergency bill with which the agricultural community that has been so hurt by the drought this past year and year and a half is going to have something to hang their hat on come the first of the year. I look forward to working with the two Senators from North Dakota to try to accomplish that.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have not had a chance to respond to my colleague, the chairman of the Committee on the Budget. The Senator from South Dakota has been waiting patiently, but if he would not mind if I took 2 minutes to respond to Senator GREGG.

The chairman of the Committee on the Budget said: Look, this doesn't just respond to natural disasters; this is a series of earmarks. I say to my colleague, there are no earmarks here. There is nothing individual Members put in this bill. I drafted this bill. I drafted it in broad consultation with Members of this Senate. There are no earmarks in the sense of what typically is in an appropriations bill where individual Members put in provisions that have never been on any legislation before.

One would be hard pressed to point to a single provision in this bill that has not been in previous disaster legislation. One would be hard pressed to find a single provision here that has not been in previous disaster legislation, in fact, in a far more generous way than is in this bill. In 2000, we had a disaster bill that cost \$14 billion. The next year, in 2001, it cost between \$11 and \$12 billion. This disaster bill is for 2 years, and it is \$4.8 billion. On a comparable basis to 2000 and 2001, that was a total of \$25 billion for 2 years, and this is \$4.8 billion for 2 years. The truth is, we have cut, cut, cut to be fiscally responsible.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. How much time does the Senator require? I advise the Senator we have 23 minutes remaining on our side.

The PRESIDING OFFICER. There is 21½ minutes.

Mr. CONRAD. I yield 5 minutes to the Senator.

Mr. THUNE. I will try to do it in 5 minutes. I thank the Senator for yielding.

Mr. President, I rise today in support of the amendment offered by the Senator from North Dakota to the Agriculture appropriations bill. I have been

listening to the discussion in the Senate between my colleagues from North Dakota and my colleague from Oklahoma over the whole issue of whether this ought to be paid for and how it is paid for. Frankly, I am with all of you—I will stay here as long as is necessary to get this done. If we can come up with a mechanism that doesn't run into an objection that allows us, by unanimous consent or whatever mechanism is necessary, to pay for it, I am for that because I agree entirely. I happen to think if there is a mechanism whereby we can offset this, we ought to make every effort we possibly can to do that.

However, if you look at the impact the drought had on the Dakotas this year—it has been described on the maps shown earlier this day as the epicenter—the bull's-eye of the drought across this country, and the upper Midwest, the upper Plains States, South Dakota and North Dakota in particular, have been crippled by it. It was not just a 1-year event but a multiple-year event. It has been successive years, year after year after year, of drought. This last summer in particular was dreadful for producers across South Dakota. It was the hottest July in 70 years. The rainfall accumulations we received this year were lower than the average during the Great Depression of the 1930s.

I traveled my State of South Dakota on numerous days in the month of June. I visited Sully County in the middle of our State. In the month of July, I was in Walworth County in the middle of our State. In the month of August, Senator JOHNSON and I went on a five-county tour in central South Dakota. Everywhere we went, the story was the same: The drought had destroyed our crops; destroyed the wheat crop; it wiped out much of the corn crop. Cornstalks, where there should have been corn growing, were very short. And even cornstalks that were a little taller than that, when you would look further—took a closer look—there were no ears on the cornstalks. Where there were soybeans that should have been lush and thick, they were not. Where there should have been hay and grass, there was not. And now, this fall, where there should have been cows, there aren't any because producers have had to sell their herds.

We have a practice in the Senate and the Congress of responding when a disaster strikes an area of the country. All of us voted to support the people in the gulf area who were impacted, just devastated by the effects of the hurricanes. We do not have hurricanes in the Midwest. We have droughts. And it does not happen overnight. It is not a 24-hour news cycle. It is not something that gets the same focus or attention. But it has the same effect in terms of the way it affects people's lives.

If you look at droughts, you might describe them as slow-motion disasters, but the economic impact on farmers, ranchers, small businesses, and

rural communities is just as devastating. In the aftermath of one of the worst drought conditions since the Great Depression, the people of the Midwest are looking for us in Washington to provide assistance.

I am in agreement with my colleagues who have argued we ought to be looking at how we can, in farm bills, design programs that will anticipate these things so we do not have to continue to do it on an ad hoc basis. I, for one, hope in the next farm bill we will be writing next year that we can insert provisions that would accomplish just that. But the reality is, we have had year after year after year of drought. We have written a bill that, as my colleague from North Dakota has noted, addresses some of that problem, not on a level that has been addressed in previous years. The whole issue of crop insurance is addressed in here. I think that is a good idea. We ought to encourage people to buy crop insurance. This does do that. It reduces the payment that would be made available to those who do not buy crop insurance.

But the simple reality is, we need to do something to respond to what is a very devastating and real disaster for the people of South Dakota and other States in the Midwest whose futures are dramatically impacted by the drought we have experienced in this last year.

Agriculture is the backbone of our State's economy. That is true in a lot of the States in the Midwest. I would hope, before we leave this year, we can get this issue addressed, whether that is in the form of emergency relief such as this that is fashioned today or, as my colleague from Oklahoma has suggested, some sort of offset. Whether that takes unanimous consent, I am for that. I am all for that.

But the simple fact is, we need to respond. We need to do it in a timely way. I hope, before we leave today, we will be able to get an affirmative vote in support for farmers and ranchers and small businesspeople and citizens in the rural economy across this country who have been devastated by one of the worst drought disasters literally in the last century.

Mr. President, I understand my time has expired, so I yield back to the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I say to the Senator, we have other Members who have said they are coming, but if the Senator would like to take an additional 2 minutes, I would be happy to grant it to him.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the Senator for yielding additional time because I do not think that oftentimes we give enough attention on the floor to the effect this drought has had on the agricultural economy or the conditions our farmers and ranchers are facing in many of the Midwestern

States. And we need to have a good, robust debate about the future of agriculture and how we anticipate, in the future dealing, with this type of disaster.

But, as I said before, it is important for us to respond in the same way we did when the gulf area was hit by the hurricanes, to make sure people of this country understand that when disaster strikes, the people in the Congress are hearing their voices and are willing to take the necessary steps to provide assistance.

I also note, because it has been stated earlier today, the Agriculture Department does have a lot of unobligated funds on hand. One of the reasons they do is the payments that are normally made under the farm bill have not been made. So there are a lot of unobligated balances there because countercyclical payments and loan deficiency payments have not been made.

I had suggested, in the previous iteration of this a few years back, that we use those savings, those offsets, to apply them to disaster relief. They say for scoring purposes that does not count. But the reality, again, is that when you look at the balances that are available at USDA, they are in a position to respond. This is a \$4.8 billion, \$4.9 billion disaster bill that applies, as the Senator from North Dakota noted, to 2 years, 2005 and 2006.

It seems to me at least that this is a minimum level of effort we ought to make to respond to the disaster in the Midwest and provide direct assistance to our farmers and our ranchers and our small businesses.

So, again, I ask my colleagues in the Senate to support the vote on this when it comes up. I hope we can get a good, strong vote out of the Senate and ultimately act on the underlying bill, send it to the House, and get it on the President's desk, so we can get disaster assistance out there.

Mr. President, I yield back the remainder of my time.

Mr. FEINGOLD. Mr. President, I support the amendment offered by Senator CONRAD to provide agricultural disaster assistance. I would have preferred that we had found a way to pay for this in the normal budget. But the Conrad amendment is an appropriate response to the severe drought and other weather-related disasters this year. Even in areas like western Wisconsin, which were significantly impacted but missed the most brutal conditions, many farmers have been pushed to the brink. Just as we did for the farmers devastated by hurricanes on the gulf coast, we should provide a helping hand to farms and rural communities that have been overwhelmed by this extreme weather.

Mr. AKAKA. Mr. President, I rise in support of an amendment offered by the senior Senator from North Dakota, KENT CONRAD, to H.R. 5384, the Fiscal Year 2007 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations

Act. I am proud to have joined Senator CONRAD, as well as the senior Senator from Hawaii, DAN INOUE, to provide much needed relief to agricultural communities across our nation in need of assistance.

This legislation is important to the agricultural industry in the State of Hawaii, in particular the County of Hawaii which was significantly impacted by the October 15, 2006, earthquake. I was in my home State during this earthquake measuring 6.7 in magnitude and present during aftershocks that were felt days after the initial tremor. A few hours after the earthquake occurred, I spoke with Federal Emergency Management Agency, FEMA, Director David Paulison to ensure that FEMA was ready to support State and local response and recovery efforts in Hawaii. In addition, the day after the earthquake I toured the Big Island with Senator INOUE, the National Guard, and State Civil Defense to assess the resulting damage.

While I am pleased that Federal, State, and local agencies have been able to work cooperatively to provide public and individual assistance, the needs of our agricultural community must not be ignored. Irrigation systems damaged by the earthquake are the sole source of water for a majority of farmers and members of rural communities in this region. In addition to the economic impact, it is imperative that we recognize that the livelihoods of these hard working individuals have drastically been impacted by the earthquake. It is for this reason I join my colleagues in supporting this amendment which would provide \$3 million to the Farm Service Agency, FSA, for its Emergency Conservation Program to repair broken irrigation pipelines and damaged and collapsed water tanks. Of this amount, \$2 million will go toward repairing the damages to stone fences on cattle ranches in the Kona and Kohala areas, and another \$1 million is needed under the Emergency Loan Program to cover losses of agricultural income. The amendment also provides \$2 million to the Big Island Resource Conservation and Development Council to repair of the Kohala Ditch system that was also severely damaged by the earthquake; and \$10 million to the Natural Resources Conservation Service, NRCS, Emergency Watershed Protection Program for the repair of the Lower Hamakua Ditch and the Waimea Irrigation System/Upper Hamakua Ditch—which were heavily damaged by the earthquake and are negatively impacting the farming community on the Big Island.

I commend Senator CONRAD for his dedication and commitment to our Nation's farmers and ranchers. This amendment is necessary to ensure that they may continue to provide U.S. agricultural products, and I ask my colleagues to support this important amendment.

Mr. NELSON of Nebraska. Mr. President, I rise today to again speak in

support of the Emergency Farm Relief Act—this time as an amendment to the fiscal year 2007 Agriculture appropriations bill. I want to start by thanking my colleague Senator CONRAD for all of his hard work and his continued leadership in trying to get this relief to our farmers and ranchers.

Mr. President, this Congress has dragged its feet long enough. It is well past time for us to provide this relief for our Nation's farmers and ranchers—many of whom have suffered through multiple years of drought.

Now I know that some in this Congress and in the administration have questioned the need for emergency farm relief. But I have to wonder whether those individuals have seen the many fields in Nebraska that weren't even worth harvesting because the drought had killed off the crop.

I wonder if they have talked to the farmers and ranchers who are barely hanging on to their farms and ranches because of this multiyear drought and Congress's failure to provide relief.

And, I wonder if they have even seen their own statistics. Last week USDA released a report that stated that net farm income will have dropped by 20 percent this year in comparison to last year. This included a \$4.7 billion drop in the value of livestock production.

Nebraska farmers and ranchers are estimated to have lost over \$340 million just this production year due to the ongoing drought conditions. Nebraska farmers have also had to spend an extra \$51 million in energy costs as their irrigation pumps ran longer than usual this year because of drought conditions.

And the Drought Monitor at the University of Nebraska continues to show that much of Nebraska is still suffering from severe to extreme drought.

Yet even the Secretary of Agriculture continues to question the need for disaster relief and this Congress stubbornly refuses to provide relief to those farmers and ranchers that have been harmed by this particular natural disaster.

And that, I think, is one of the most frustrating aspects about this debate over emergency farm relief. Congress and the administration seem to have no problems providing relief for other natural disasters like hurricanes. In fact, earlier this year we provided billions of dollars for Hurricane Katrina relief.

But even then, our attempt to provide emergency disaster relief to farmers and ranchers was substantially reduced and those farmers and ranchers unlucky enough to be hurt by drought were left behind and not given any relief.

I do not understand why this Congress is willing to help farmers damaged by hurricanes and is at the same time unwilling to help farmers that are damaged by other natural disasters such as drought. Both are natural disasters and both cause widespread economic harm.

That is why for the last few years when I talk about the drought I also talk about how I decided to nickname the drought "Drought David."

I gave it a name in the hope that it will help people realize that it is a natural disaster just like a hurricane even if it doesn't command the same types of headlines and television coverage.

A drought, unlike a hurricane or a flood, is a slow-moving disaster that can go over a course of years. In some cases Drought David is celebrating its fifth birthday. In other places it's celebrating its seventh birthday.

By giving it some identity, I had hoped to attract the same kind of attention that very often is given to hurricanes, which are named. And I had hoped that with that attention, this Congress would provide relief like it does for hurricanes.

Naming the drought was meant to help my colleagues focus on this being a natural disaster, with devastation of major economic proportions to large areas within our country and help them understand that it can have the same impact in terms of economic loss that very often a hurricane will cause in its wake.

I cannot overemphasize to my colleagues that the losses suffered and the losses we are asking relief for are those caused by a natural disaster.

These losses are due to events beyond the control of our farmers and ranchers. And that is why this Congress needs to provide relief, just as it does for losses caused by other natural disasters.

We cannot prevent drought. But Congress can help when a drought devastates large portions of our country.

And I remind my colleagues that failure to provide this needed relief threatens many small, rural businesses and communities and it threatens our nation's food and fuel security efforts.

This amendment will provide relief to farmers that have suffered production losses in 2005 and 2006 and it will also provide relief to livestock producers that have suffered losses in both years. And I urge my colleagues to support this relief.

I also want to remind my colleagues that this Congress can help in other ways, too. One of which is to provide farmers, ranchers and other agribusinesses with information for smart planning.

To that end, I also urge this Congress to take up and pass S. 2751, my NIDIS legislation, that will create a National Integrated Drought Information System.

The NIDIS bill will help create a drought "early warning system" that will be capable of providing accurate and timely information on drought conditions so State and local officials can plan for and mitigate the effects of drought.

An "early warning system" will give producers information they need to make planting and other decisions. They can use the information to limit their risk, thus limit their losses.

Unfortunately, due to the lack of a national drought policy, there has been no development to date of a coordinated, integrated drought monitoring and forecasting system.

With better research and better tools for planning and mitigation, we could significantly reduce losses and ultimately the need for large emergency disaster aid packages.

It is important to keep in mind that for every \$1 we invest in mitigation and preparedness, we can save \$4 in reduced impacts when the natural disaster occurs. And my NIDIS bill will invest \$59 million over the next 6 years to help with mitigation and preparedness.

But that is what we are working on to help with droughts in the future. Today we must focus on providing relief for the devastating impacts that Drought David has caused the last two growing seasons.

Congress must do both: we must provide relief for the damages suffered now and we must provide for better planning and mitigation for the future.

Mr. President, this Congress cannot be excused for its failure to provide this much-needed relief. I urge my colleagues to support our nation's farmers and ranchers by supporting this emergency farm relief amendment.

Ms. CANTWELL. Mr. President, I have come to the floor today to discuss a critically important issue to Washington's farmers and ranchers—disaster assistance.

I support the agriculture disaster assistance legislation that is before us here on the floor and am proud to be an original cosponsor of the bill.

Washington's agriculture economy is supported by small and medium-sized family farms. Our farmers are a key economic engine for the state, producing more than 300 different commodities on 15.3 million acres valued at over \$6.4 billion every year. And in our state, agriculture alone supports more than 300,000 good paying jobs.

Washington's farm families understand hardship. They understand that when you are in the business of farming, you have good years and you have bad years.

Recent years have been particularly hard for them. Many are struggling just to make ends meet as they face low commodity prices, an influx of commodities grown abroad, and high fuel and fertilizer prices stemming from the hurricane disasters of last year.

Unfortunately, in recent years, many producers have also had to cope with crops lost to adverse weather. Over the last three crop years, inclement weather, wildfires, and flooding have exacerbated the already difficult challenges farmers in my state face.

In 2004, 32 of Washington state's 39 counties received disaster declarations. In 2005, it was 13 counties.

So far this year, 24 counties in the State have received disaster declarations.

Once assessments have been completed on the damages sustained from recent flooding throughout Puget Sound and across the Olympic Peninsula, I am confident even more counties will receive declarations.

This year many producers lost their crops or had their crops severely damaged due to adverse weather. Others lost livestock or had herds displaced due to wildfires.

This summer, I visited with farmers in central Washington after the region sustained significant crop losses from hail, wind, and rain in June and July.

I saw firsthand the damage that many of Washington's apple, pear, and cherry orchards incurred. I saw the fruit that was no longer salvageable. I saw the losses that these orchards sustained.

Individual orchards throughout much of the tree fruit-growing regions in north central Washington state—in counties like Chelan, Douglas and Okanogan—lost significant portions of their crop. Some farms were decimated by the storms and lost their entire harvest.

These losses threaten the continued viability of many of these family farms and orchards.

The losses also affect the rural communities and economies these farms help support. Agriculture is the primary, and in some cases the only, economic driver in many rural communities throughout Washington state.

Packing houses, processors, dusters, shippers and other small businesses depend on the harvest almost as much as the producers themselves. Many of these businesses had to lay off hundreds of workers this year because there simply was no fruit to pick or pack.

The agriculture disaster legislation currently before the Senate contains important provisions that will provide desperately needed relief for our farmers and ranchers as they begin to recover during this difficult time. It also contains economic assistance grants to help the small businesses that support our farming communities.

We must act now to provide assistance and ensure the continued viability of American farmers and farm families who lost their crop to disaster. Without it, many will not survive.

I urge my colleagues to join me today in making a commitment to help our farm families and the communities in which they live by providing them the assistance they desperately need.

Voting for the Conrad amendment is to vote for funding that will come to your state and help your farmers stay viable. I urge my colleagues to support the Conrad amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, is the Senator from Louisiana seeking time? Not on this matter?

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I ask the Senator from Minnesota, does he seek time?

Mr. COLEMAN. Yes.

Mr. CONRAD. I am advised I only have 13 minutes. The Senator from Montana is here as well. Would the Senator from Montana like time as well?

Mr. BURNS. No, thank you. I appreciate the Senator asking.

Mr. CONRAD. I ask the Senator from Minnesota, how much time would you like?

Mr. COLEMAN. Six minutes, probably less.

Mr. CONRAD. Mr. President, I am glad to yield the Senator from Minnesota 6 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I thank my colleague from North Dakota for his leadership on agricultural disaster assistance.

I wish to let this body know what assistance means to Minnesota's farmers by reading a few excerpts from letters I have received from producers in my State. I have been on the floor a number of times about this issue. We need to get it done.

One man starts out saying, "I am a struggling young family farmer in Northwest Minnesota," and registers his plea:

We were counting on some help this summer to cash flow for the year after last year's devastating floods. We are now attempting to work with our banker to increase our operating credit limit, refinance our machinery, or refinance our land, just to make ends meet till we can harvest our crop. Please do not give up on this issue.

This urgency is repeated again and again in the letters I receive and conversations I have. Another Minnesota farmer writes there is an "urgent need for ag disaster assistance for our family farmers devastated by weather disasters in 2005 and 2006. My family has farmed in Minnesota since 1882 and we need ag disaster assistance now. Please, please help us."

These are heartbreaking stories. These are real emergencies for our farmers. These folks need our help or they will be put out of business, plain and simple.

And the need for agricultural disaster assistance is great. Minnesota's farmers have had to fend for themselves in the face of real natural disaster—first, against record flooding in 2005 and now against record drought in 2006.

In the sugar sector alone, revenue was reduced by \$60 million in Minnesota in 2005, thanks to this natural

disaster. In one county, crop loss exceeded \$52 million and farmers were prevented from planting over 90,000 acres thanks to saturated fields. Now, thanks to one of the worst droughts ever experienced in the Great Plains, Minnesota farmers have experienced hundreds of millions of dollars of crop loss in 2006.

But it is not just about statistics. It is about farmers enduring personal struggles whom I have met all over the State. It is about farmers calling my office, desperate to save the family farm. Farmers are losing their operations, pure and simple. The producers who will not be coming back to the fields next year thanks to catastrophic weather are not just losing a business, many are losing a family tradition. We are losing a way of life. We are losing some of the heart and soul of America and of Minnesota.

I am concerned about the comments of some of my colleagues. My colleague and friend, the Senator from New Hampshire, indicated that the separate disaster assistance for sugar beets is akin to earmarks. I want to state that is not the case. It is not about porkbarrel spending. I think what some folks fail to recognize is that due to the nature of the sugar program, they don't get direct payments. It cannot be structured in the same way as other production loss assistance for other crops.

If you look at what has been laid out, we have been trying to be very focused and very clear. This is not about excess. This is about keeping families alive. This is about keeping farming alive. Some of the families have farmed for almost 100 years. With all due respect, these faulty characterizations do not do our farmers justice.

Another farmer in my State gets at the crux of this amendment when he writes:

Maybe the farmers in this area should have applied to FEMA for hurricane relief—it seems that hard working people in my community are looking to their government for help and getting ignored.

It is not that this Congress has refused to pass agricultural disaster assistance. We have provided \$1.6 billion in emergency agricultural assistance. Of course, none of the farmers in Minnesota will benefit from this assistance because they do not own a farm in one of the Gulf States. Congress has not provided a dime for farmers suffering from natural disasters outside of the gulf region.

I have stood on this floor supporting our farmers in the Gulf States. I support us doing what we need to do to lift them up. I think it would shock many Americans to learn that natural devastation must come in the right package to be worthy of Federal aid. The message being sent is that record flooding and drought do not count. That is not a good message.

Again, I have traveled to the Gulf States. I have seen the hurricane damage firsthand. And you should see the

devastation here. The Senator from North Dakota has done a good job of making it real. Seeing it. And it is real. We cannot put one region against the next. This is about America doing the right thing. That is what we should be doing on the floor of the Senate.

The core of this issue is about equity and fairness for all regions that are suffering. And to the thousands of Minnesotans whose very livelihoods have been jeopardized, and those losing their farms due to last year's disastrous weather, withholding assistance is nothing short of cruel. We can do better. We should do better. I urge my colleagues to support this assistance package.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana.

AMENDMENT NO. 5151

Mr. VITTER. Mr. President, I ask my colleagues' indulgence to speak on another very important topic, another amendment filed under this bill. And the topic is sky-high prescription drug prices and the ability to temper those prices, to bring them down, to some significant extent, through what is called reimportation, allowing all American consumers a fair, safe opportunity to buy prescription drugs from Canada or other countries.

I filed this amendment, amendment No. 5151, on this Agriculture appropriations bill with my colleague from Florida, Senator NELSON. I thank him for all of his work and support on this amendment and on this issue.

This follows up on work earlier this year, when we successfully passed an amendment on the Homeland Security appropriations bill. That was a breakthrough vote, particularly on the floor of the Senate, to allow Americans greater access to those safe prescription drugs from Canada at much more reasonable prices.

Our amendment on the Agriculture appropriations bill would go a little further still and expand those opportunities for Americans to buy safe, yet affordable, prescription drugs through reimportation from Canada.

First, let me step back and speak about the need for this in general because there is a significant need. At a time when pharmaceutical companies are making record profits, the cost of prescription drugs—many of which are necessary to keep seniors and other Americans healthy or sometimes, in fact, alive—is skyrocketing. And these are the very same medicines that are sold at a fraction of the U.S. cost a few miles north of our border in Canada.

With all that going on—again, in the context of sky-high, record pharmaceutical company profits—Americans are deeply skeptical. I am here to say that Americans should be.

Opposing the right of an American to buy a small amount of prescription drugs—approved medication they intend to use for themselves—does not make sense to the average American.

Yet that is still, to a large extent, our policy.

Many of my colleagues have spoken passionately on this floor, the floor of the Senate, about their own neighbors' stories, about how folks in their States have had to go to cheaper markets, such as Canada, to afford their prescriptions.

In September, my colleague from Michigan spoke of her bus trips with her constituents up to Canada to get these more affordable medicines. She traveled there by bus with her constituents, and they were able to get safe, FDA-approved drugs at a fraction of the cost in the United States. She told us about her constituents who were able to buy the cholesterol-lowering drug Lipitor for about 40 percent less than the U.S. price, the ulcer medication Prevacid at 50 percent less, and antidepressants such as Zyprexa at 70 percent less.

In June, another colleague from North Dakota spoke eloquently of the need to allow reimportation of safe drugs as a way to pressure U.S. pharmaceutical companies that manufacture these very same drugs—our companies are the source of the same drugs—to lower prices in the United States.

I have spoken over and over again about my neighbors in Louisiana, their struggles, in many cases, to afford these lifesaving and life-sustaining drugs, being torn by various needs—to pay the rent, the food bill, the gasoline bill, energy costs—and yet have to pay sky-high pharmaceutical costs. Clearly, one part of the solution is reimportation, allowing all Americans to buy safe prescription drugs from other countries such as Canada.

As I said, I am proud to be joined by Senator NELSON of Florida on this amendment. He joined me several months ago on a similar amendment which we offered to the Homeland Security appropriations bill. It passed overwhelmingly with 72 votes, a strong consensus show of support on the Senate floor. That amendment was very simple. It said: We are no longer going to let the border security bureaucracy of the Federal Government use taxpayer money to take away those cheaper prescription drugs many Americans go into Canada to buy and bring back to their homes. We are going to let those Americans do that because that is fair and right. We were only talking about Canada. We were only talking about taking them back across the border in quantities that are for their personal use, not to go into business to be a middleman selling drugs to other consumers but for their personal use. That amendment not only passed by a strong vote in the Senate, but it remained in the bill through the entire process.

After a lot of fighting, a lot of discussion and argument and work on this crucial issue, we were able to retain an important version of that amendment in the final version of the Homeland

Security appropriations bill. President Bush signed it into law. Now we have made that important change that says Americans can go into Canada, buy those safe, cheaper prescription drugs for their personal use and bring them back without border security agents taking them away, confiscating them, and having them out the cost, trouble, and time of their trip.

Today Senator NELSON and I offer amendment No. 5151 to the Agriculture appropriations bill. Of course, that bill covers the FDA as well. This amendment builds upon our earlier work and our earlier success and applies that same policy to the Food and Drug Administration, which is another enforcement arm of the Government on this topic. Again, it is simple. We are simply saying: Our taxpayer dollars should not be used to confiscate those prescription drugs bought by Americans in Canada. Just as it should not be used to confiscate them at the border as Americans cross back across the border to their home country, so, too, that bureaucracy, those taxpayer dollars, should not be used to confiscate drugs when they come from mail order or Internet sales. That is exactly what our amendment is about—Canada only, personal use only, a thoroughly reasonable, straightforward provision to honor the American people and give them this limited yet reasonable and important mechanism to get cheaper prescription drugs from elsewhere.

I am very hopeful that either this week or in the near future this sort of provision will pass, particularly given the strong vote we had on the earlier Vitter-Nelson amendment. I am also hopeful that in the next Congress we will be able to pass a full-blown reimportation bill to allow broad-based reimportation of safe, cheaper prescription drugs into this country. That is needed by Americans, particularly seniors, across the land. It is a fair and reasonable approach. It is not a magic wand, not a silver bullet. It won't solve the challenge of very high prescription drug prices overnight or alone. But it can and will be an important and significant part of the solution.

I look forward to continuing to work with Senator NELSON of Florida and many others on this vitally important effort. I look forward to our work on this amendment to the Agriculture appropriations bill. I look forward to our following up on the success we had with our amendment to the Homeland Security appropriations bill.

Most of all, I look forward to passing a broad-based reimportation bill early in the next Congress to give Americans what they deserve—the opportunity, the freedom to buy safe, cheaper prescription drugs from other sources, Canada, other countries, including by mail order and the Internet. This will give Americans access to cheaper drugs. Perhaps even more importantly, it will break down that system that allows pharmaceutical companies to charge dramatically different prices in

other countries versus ours. Of course, we pay the highest prices by far.

I look forward to that continuing work. I look forward to those victories, because the American people are waiting for it, counting it, depending on it. We can do this with major safety provisions built in to make sure these drugs are safe and reliable, as advertised.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, may we have a report on how much time remains on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 4½ minutes. The Senator from New Hampshire has 10 minutes.

Mr. CONRAD. Mr. President, I ask the Chair to advise me after I have used 2½ minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. CONRAD. Mr. President, we are about to have a consequential vote. The question before the body is whether the Senate believes disaster assistance ought to be provided to this Nation's farmers and ranchers—what is now reported to be the third worst drought in the Nation's history. Right down the center of America, we have had a blistering drought. The results: farm fields that look like moonscapes and economic losses that are stunning and ruinous.

In other disasters, Congress has responded, especially disasters that have gotten more attention. Perhaps because this disaster is right in the heart of America, where most of the national news media is not headquartered, this disaster has not gotten the attention so many other disasters have.

Make no mistake, this disaster is no less devastating. People's economic lives are on the line. We understand full well that this will not be decided today because our friends on the other side, who are in the majority still, have determined not to finish work on the pending appropriations bills. They are leaving that to next year. So this work will not be complete. But this vote remains important because it will signal to the Nation's farmers and ranchers whether there is hope that help is on the way. If there is no hope and there is no help, we are going to see literally tens of thousands of farm and ranch families forced off the land. That is clear.

This is a fiscally responsible package. Some have said it is a budget buster. They know, as all of us in this Chamber know, there is no budget for natural disasters—none. That is because it is hard to predict what natural disasters will occur. So every natural disaster must be dealt with on an emergency basis. That is why it requires a supermajority vote. That is the question that is before the body this afternoon.

This bill costs \$4.8 billion for relief for 2005 and 2006. It is a fraction of what disaster relief was for the years 2000 and 2001. That disaster package was \$25 billion. This is less than one-fifth that amount.

In answer to the question some colleagues have raised, there are payment limitations—an \$80,000 payment limitation. There is a gross-income test. On the question of those who grow the grains we consume as a nation, let me just say, you have to have at least a 35-percent loss before you get anything. Nobody with no loss gets a dime under this proposal.

I urge my colleagues to vote to waive the budget point of order so we can send a signal to the Nation's farmers and ranchers that help is on the way.

I thank the Chair and yield the floor. I suggest the absence of a quorum and ask that the time be equally charged.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, the order is for the vote to occur at 5 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. Mr. President, I ask unanimous consent that I be given an additional 4 minutes.

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

Mr. CONRAD. Mr. President, let me just point out that 32 major farm organizations have asked this body to support my amendment and also to support a budget waiver, if it is raised, against the amendment. That has already been done. So that will be the key vote. What is essential is that we get 60 votes, or close to it, so that farmers know there is a possibility of disaster assistance. There are 32 national organizations, including the National Farmers Union, American Farm Bureau, Farm Credit Council, the Sugarbeet Growers, Soybean Association, and the American Corn Growers Association. It also has the National Association of State Departments of Agriculture. The commissioners of agriculture from all 50 States have come forward and said: Please pass this legislation. It also includes the Barley Growers, the Farmer Cooperatives, National Farmers Organization, Milk Producers, the Sunflower Association, the

Rice Belt Warehousemen, the Fertilizer Institute, U.S. Dried Peas and Lentils Council, U.S. Beet Sugar Association, U.S. Canola Association, and Women Involved in Farm Economics. They all say unanimously that this legislation is important and it is important now.

To those colleagues or their staffs who are watching the final minutes of this debate and discussion who are wondering, Gee, does this do what the critics say; does it unjustly enrich someone; let me say that the answer to that is an emphatic no. This example I have prepared shows, in North Dakota, what a farmer would get in a typical year on an acre of wheat, which is \$157. With a 50-percent loss, he gets \$78.60 from the market, \$27 in insurance premium, and \$7 for this amendment, for a total of \$113. He would still be left with a 28-percent loss. For a farmer who has a 75-percent loss of his crop, he would get \$39 from the market, \$54 in insurance premium, \$19.50 from this amendment, for a total of \$113, leaving him or her with a loss of 28 percent as well. People are not being unjustly enriched and they are not being made whole. We are simply offsetting some of the dramatic losses people have received as a result of natural disaster—the third worst drought in our Nation's history.

I don't know how much more clear I can be. I ask my colleagues to support this amendment. In our part of the country, we have supported every region when they have had disasters. We were the first to sign up after Katrina for aid to them and the Gulf Coast States. We recognized their loss. We were among the first to sign up to help Florida in the terrible losses it has suffered. We were among the first to sign up when California experienced terrible losses as a result of natural disasters, whether it was wildfires, mud slides, or any of the rest. We have had a disaster in our part of the country now. We are asking our colleagues to help us. We will remember those who helped, just as we have helped others in their time of need.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. CONRAD. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I understand we are, by a previous order, to vote at 5 o'clock. There appears to be 4 minutes remaining. I ask unanimous consent to speak during that time if no one else is present.

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

Mr. DORGAN. Mr. President, I only wanted to follow Senator CONRAD and

point out that this amendment is truly bipartisan. Those who have watched this debate will recognize we have had Republicans and Democrats come to the floor of the Senate to say this is an important amendment. They support it, and they hope the Senate will pass it.

I want to point out again that this is the third time we have brought this to the floor of the Senate. On two other occasions, it passed the Senate and had gone to conference. On both of those occasions, it was blocked in conference with the U.S. House. It was blocked by the House conferees. I believe on both occasions I asked for a vote of the Senate conferees, and the Senate conferees insisted on their position. So it is not a weak will here with respect to disaster assistance for farmers that exists. It is a very strong will, and the Senate has expressed itself previously on two occasions.

On the third occasion in the Appropriations Committee, we had a unanimous vote—by unanimous consent in the Appropriations Committee—to add the disaster legislation earlier this year. That bill has not previously come to the floor but not because we have not tried. We have pushed and pushed to get that bill to the floor of the Senate. Only now, in what is the last week of the session, have we managed to get the bill on the floor and, by consent, offer an amendment.

So I think it is important to understand that we have been trying for a long while to get this amendment fully debated, get it through the Senate and back to conference with the House.

It appears now that, whatever may happen on the floor this afternoon, this is likely to be a part of an omnibus appropriations bill at some point in late January or, likely, mid-February. Time is very short. Someone used the word "patience" earlier today. Boy, we have had a lot of patience in dealing with this issue. There is broad, bipartisan support for it—or there has been at least. We have been waiting and waiting, and it has been blocked in the Senate from bringing this to the floor. Finally we are here today.

This is not an idle matter for a lot of American families. For many farm families, the decision will be a decision about whether they will be able to continue living on and working on their family farms. For those who don't know about them, those who never lived on a farm and don't know what they do on a family farm, don't understand the risks that are taken on a family farm, there are ways they should avail themselves to find out. It is an important part of this country.

The network of farm families that are spread across the prairies and lands of this country and produces the food-stuffs, raises cattle, plants and harvests crops, takes all the risks, is an unbelievable group of Americans, and in many ways they are America's all-stars, the entrepreneurs who risk everything virtually every year. When

real trouble comes—a natural disaster—the best instinct of this Chamber has always been to say to them: We want to help you. That is all we are saying with this amendment. We want to help family farmers have a chance to continue to stay on the lands. My hope is we will give broad, bipartisan support for this legislation today.

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, the question is on agreeing to the motion to waive the Budget Act point of order with respect to amendment No. 5205. The yeas and nays have been previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Utah (Mr. HATCH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. DODD) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would vote "yea."

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 37, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—57

Akaka	Enzi	Mikulski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bingaman	Grassley	Nelson (NE)
Bond	Hagel	Obama
Boxer	Harkin	Reed
Burns	Hutchison	Reid
Byrd	Inouye	Roberts
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Salazar
Clinton	Kennedy	Sarbanes
Cochran	Kerry	Schumer
Coleman	Kohl	Smith
Conrad	Landrieu	Stabenow
Dayton	Lautenberg	Stevens
DeWine	Leahy	Talent
Domenici	Levin	Thomas
Dorgan	Lieberman	Thune
Durbin	Menendez	Wyden

NAYS—37

Alexander	Dole	Murkowski
Allard	Ensign	Pryor
Allen	Frist	Santorum
Bennett	Gregg	Sessions
Bunning	Inhofe	Shelby
Burr	Isakson	Snowe
Chafee	Kyl	Specter
Coburn	Lincoln	Sununu
Collins	Lott	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Warner
Crapo	McCain	
DeMint	McConnell	

NOT VOTING—6

Biden	Chambliss	Graham
Brownback	Dodd	Hatch

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

The Senator from Utah.

Mr. BENNETT. I raise a point against the pending amendment because it would cause the subcommittee to exceed its allocation.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

FUNDING FOR SPINACH GROWERS

Mrs. FEINSTEIN. Mr. President, I would like to take a moment to thank Senator KOHL for his stewardship of the Agriculture appropriations bill. His work on this bill will provide funding to support our Nation's farmers and consumers, and I support those efforts wholeheartedly.

Mr. President, my colleague from California, Senator BOXER, and I would like to take a moment to engage our colleague from Wisconsin in a colloquy.

Mr. KOHL. I thank my colleague for her kind words and would be happy to engage in a colloquy with the Senators from California.

Mrs. FEINSTEIN. A few months ago, nearly every grocery store in the country was advised not to sell fresh spinach due to confirmed incidents of E. coli bacteria coming out of California. The impact of this outbreak was devastating: it sickened nearly 200 people, killing 3. It also resulted in more than \$70 million in economic losses to spinach growers.

As you know, one of the many responsibilities of the FDA is to oversee the safety of fruits and vegetables. In my State, where more than half of all fresh fruits and vegetables are grown, this is clearly an enormous task and one that requires advanced scientific methods for detection and response.

Unfortunately, the FDA does not have that kind of presence in the Western United States to conduct and carry out the necessary scientific testing and outreach that we should expect. There are currently three FDA food safety research centers in the Nation: one in Maryland, one in Illinois, and one in Mississippi. None of these centers is connected with the vital and dominant food systems in California, which greatly impairs the FDA's effectiveness in addressing the food safety and security research, teaching, and outreach needs in the Western United States.

Last year we provided funding to establish an FDA Western Center for Food Safety to serve the vast agricultural food safety needs of the Western United States. This center would be collocated with the Western Center for Food Safety and Security at the University of California at Davis, a place where the FDA would benefit from the synergy of working in an academic research environment with university scientists and with university extension specialists who already have the critical relationships with farmers that the FDA needs to be effective. Unfortunately, this funding was not agreed to by the House conferees.

The University of California at Davis already has a facility for the FDA scientists to move in to. This year I am

once again seeking your assistance for a modest appropriation to begin the development of this FDA presence to serve the food safety needs of the vast agricultural regions in the Western United States and the consumers across the country who depend on a safe and reliable food supply.

Mrs. BOXER. Mr. President, first I would like to thank the chairman of the Agriculture Appropriations Subcommittee, Senator KOHL, for working with Senator FEINSTEIN and me on these important food safety projects.

As Senator FEINSTEIN has already explained, a recent E. coli outbreak in spinach produced in California has reminded us of the critical importance of food safety and public health scientific research. We hope that with a renewed focus on providing food safety scientists with the proper tools, we can learn more about how to control the impact of future E. coli outbreaks and protect the Nation's food supply from all food-borne illnesses.

To accomplish this goal, the Agricultural Research Service, ARS, is ready to begin work on a leafy green food safety research program that will help inform the choices producers and regulators make to secure the safety of the leafy vegetable food supply. With the necessary funding that we hope can be provided in conference for these important goals, ARS will complete the ongoing process of expanding its small existing vegetable food safety program and produce applied science that the Nation's growers can use to help keep their products safe.

After all of the work done in recent years to get Americans to eat more fruits and vegetables, taking no action to prevent food safety scares like the recent E. coli outbreak in spinach will threaten to depress consumption and reverse progress made to encourage healthy eating choices. With a renewed focus on food safety science, we can create an atmosphere for increased consumer confidence and at the same time strengthen public health protections.

Mr. KOHL. I appreciate the remarks of the Senators from California and assure them that I will work to address these items.

VHS TESTING FACILITIES

Mr. VOINOVICH. Mr. President, as you know, the Animal Plant and Health Inspection Service, APHIS, issued an emergency order on October 24, 2006 which prohibited the importation of 37 species of live fish from two Canadian provinces and the interstate movement within the eight Great Lakes States. APHIS issued this order with the intention of stopping the spread of viral hemorrhagic septicemia, VHS, within the Great Lakes States which has been linked to fish kills. On November 14, 2006 APHIS modified their emergency order to allow the interstate movement of live fish within and from the Great Lakes States provided the fish have tested negative to VHS. I appreciate the con-

cerns APHIS has about the spread of this virus and their concern about protecting the Great Lakes from this virus. I share the goal in restoring and protecting our Great Lakes. I too am deeply concerned about the negative effects associated with the spread of this virus within the Great Lakes and its potential impact on our fishing and aquaculture industry. It is very important that we take responsible steps forward in limiting the spread of this virus which could impact the region. The commercial and sport fishing industry in the Great Lakes is a \$4 billion industry and is a source of pride in our region.

I am concerned, however, that this emergency order does not adequately take into consideration the economic concerns of the region. The Ohio Department of Natural Resources and the aquaculture industry in the region have all expressed that this order will adversely affect businesses and the State's ability to stock Lake Erie. The Ohio Department of Agriculture has indicated to me they are not equipped to test for this disease at this time and that the cost could be approximately \$200,000 to update their labs to meet the demands of the APHIS order. It is critical that we be able to provide the Great Lakes States the ability to begin testing in order to comply with the APHIS order in a timely manner. Funding will be needed to meet these demands. Without this assistance, the aquaculture industry will suffer. Because I believe this issue can be resolved in conference, I have introduced, but will not offer, an amendment to provide funding for the Great Lakes States to help them set up facilities to test fish for VHS. The chairman and ranking member are aware of this important issue and share my concerns about the problem facing the Great Lakes States today. It is my hope that we can work together during conference negotiations on the FY2007 Agriculture Appropriations bill to find relief for the Great Lakes States in this matter.

Mr. DEWINE. Senator VOINOVICH has stated, the U.S. Department of Agriculture's Animal Plant Health Inspection Service emergency Federal order banning the interstate shipment of several species of fish is having a crippling effect on Ohio's aquaculture industry. While my colleague and I recognize APHIS' attempt to stop the spread of a damaging disease and their readiness to make amendments to the emergency order, many Great Lakes States, such as Ohio, lack sufficient testing programs and facilities to fully comply with the new testing regulation.

It is appropriate to make our Senate colleagues aware of this issue during FY2007 Agriculture appropriations debate, as resources are needed to assist State and Federal agencies to establish additional testing facilities, monitor the spread of VHS throughout the region, and conduct research on the disease. At this time, it is difficult to

fully quantify the financial needs of the entire Great Lakes region in light of these new amendments. The aquaculture industry operates on a short time-frame, and our aquaculture producers and sportsmen need assistance, or their livelihoods will be in jeopardy. Mr. President, Senator VOINOVICH and I are committed to working with APHIS officials and State departments of agriculture and departments of natural resources to provide them with resources to resume commerce responsibly and combat this disease. We are hopeful that FY2007 Agriculture appropriations conference negotiations will provide an opportunity to allocate much-needed funding to Ohio and other Great Lakes States.

Mr. KOHL. As ranking member of the Senate Agriculture Appropriations Subcommittee and a member of the Great Lakes Task Force, I share in my colleagues' efforts to restore and protect the Great Lakes. I am aware of the risks associated with the spread of this virus within the Great Lakes and understand the need to limit its spread. It is my hope that we can help the Great Lakes states address this challenge and enhance their ability to ensure the safe movement of live fish within the region. I look forward to working with my colleagues on this issue.

Mr. BENNETT. I recognize the concerns the distinguished Senators from Ohio have about protecting the Great Lakes and their efforts to balance the environmental and economic needs of the region. I look forward to working with my colleagues on this issue.

Mr. VOINOVICH. I thank the chairman and ranking member and look forward to working on this effort during conference negotiations.

Mr. DEWINE. I appreciate the chairman's attention and collaboration on this issue.

DELAWARE AGRICULTURAL MUSEUM AND VILLAGE

Mr. CARPER. Mr. President, I would like to take a moment to discuss with my friends, the Senators from Utah and Wisconsin, an important proposal that will enhance Delaware's economy by promoting agri-tourism and our agricultural heritage.

As we all know, Senator BENNETT, the chairman, and Senator KOHL, the ranking member, of the Agriculture Appropriations Subcommittee have the difficult job of managing funding priorities for the Nation's agriculture spending and do a superb job in that role.

I bring to my colleagues' attention an important proposal that merits serious consideration—the Delaware Agricultural Museum and Village, which interprets and preserves the story of Delaware's past and promotes an understanding of the vital role agriculture plays in our daily lives.

This is a vital cultural resource center that presents the history and function of American agriculture. It is very important that the American people, and especially our youth, understand

the source of their food supply. This is especially so in view of such critical issues as childhood obesity, food safety, and the continuing loss of farmland to development.

Each year the Delaware Agricultural Village hosts thousands of school children and tens of thousands of tourists. These visitors experience 19th century farming life and witness the evolution of American agriculture. The school children of Delmarva benefit from the summer camps, field trips, and educational programs provided by this facility. These activities help our children understand and appreciate the joys and struggles of farming life in the past as well as today. This institution is a great demonstration of the valuable role that farming ingenuity and technological innovation play in dairy, poultry farming, and rural life in Delaware and across the country.

Every year 25,000 people visit this center, and between 6,000 and 9,000 school children participate annually in field trips, summer camps, and other activities. The village serves all of the Delmarva Peninsula and receives visitors from across the Nation. Last week, the center hosted a school from as far away as Texas.

Specifically, the funds requested will be combined with additional funds from private individuals, businesses, and other government sources to ensure the Delaware Agricultural Museum and Village will be able to better serve their agri-tourism and educational guests. Every year it seems the facility is asked to do more and more. These additional funds will help provide additional space and more accommodating facilities while avoiding construction of an entirely new building.

I and the rest of the Delaware congressional delegation are very supportive of this program and seek the support of the bill managers in asking the Department of Agriculture to consider and assist this project with resources available in the Rural Development mission area. We also request that the managers help support this item in the conference committee on the Agriculture appropriations bill.

So, with this background, I ask my friends from Utah and Wisconsin whether it is correct that the Delaware Agricultural Museum and Village will be considered in the conference between the House and Senate on this bill?

Mr. BENNETT. Mr. President, The Senator from Delaware has obviously made a very strong case for this important educational resource center in Delaware, and it is apparent that the Delaware Agricultural Museum and Village provides an important contribution to Delaware's economy and its agri-tourism and agriculture industry. I yield to my distinguished colleague, the Senator from Wisconsin.

Mr. KOHL. I agree with my colleague. This project appears to be

a well-established enterprise worthy of consideration for rural development program assistance, so we thank the Senator for his work in this regard.

Mr. BENNETT. In response to the Senator's question concerning this proposal, I am confident that this request will receive very careful consideration by the Senate conferees.

Mr. KOHL. I concur with the distinguished subcommittee chairman.

Mr. CARPER. I thank my friends for taking a moment to discuss this matter with me. I urge my colleagues who will be negotiating these provisions with the House to carefully consider the benefits of this proposal. I thank them in advance for any assistance they may render.

PENICILLIN

Mrs. CLINTON. Mr. President, I rise today to talk about an issue that I believe needs attention during debates on the Agriculture appropriations bill for fiscal year 2007. Antimicrobial drugs that are used to treat human diseases are being used at an alarming rate in large-scale animal production. There is growing evidence of an increased human health risk as a result, specifically the development of antibiotic resistance.

Penicillin is a very important antimicrobial drug. It is an essential treatment for serious human diseases and infections, such as Meningococcal meningitis and strep throat. Since its discovery in 1928, it has been estimated that penicillin has saved nearly 200 million lives. Overuse of this drug in agriculture could cause humans to build up resistance to penicillin, limiting our treatment options during health outbreaks.

According to the Union of Concerned Scientists, livestock producers in the United States use an estimated 24.6 million pounds of antimicrobials on healthy animals every year. Furthermore, the overall use of antimicrobials for nontherapeutic purposes has risen by nearly 50 percent since 1985.

The World Health Organization outlined recommendations for healthy livestock production without the use of antimicrobials in the report "Overcoming Antimicrobial Resistance" in 2000. The report illustrated those farmers who stopped "relying on antimicrobials as growth promoters in livestock have experienced no economic repercussions—provided that animals were given enough space, clean water, and high-grade feed." These living conditions are also crucial in avoiding the spread of diseases.

I was pleased that in July 2000, the Food and Drug Administration, FDA, announced its intention to ban the use of fluoroquinolone for poultry production due to increasing evidence of antibiotic resistant *Campylobacter* cultures. *Campylobacter* infects over 2 million people each year, particularly babies under 1 year old and young adults, and it is a leading cause of diarrhea and food-borne illness.

In 1999, more than 11,000 people infected with *Campylobacter* were receiving less effective or ineffective treatment with fluoroquinolones, up from 5,000 people just one year before. Scientist later discovered the fluoroquinolone-resistant strand of *Campylobacter* found in humans was the same as those found in animals. Concerns over the emergence of fluoroquinolone-resistant bacteria led the Centers for Disease Control and Prevention, CDC, to oppose approval of fluoroquinolones for animal use.

The fact is diseases that were once easily treated and cured by antimicrobial drugs are becoming more difficult to treat. Resistance to these drugs has been linked to the overuse of these drugs in animal treatment. The Food and Drug Administration, FDA, has recently expressed concerns regarding the overuse of penicillin in the feeds of the animals humans consume. In a May 2004 a statement to manufacturers of veterinary penicillin, the FDA stated that their products could play a role in building up human resistance to this drug, as penicillin is often used in animals to induce animal growth and prevent diseases.

I share in the FDA's concern regarding growing resistance to antibiotics like penicillin, and I believe that we should not use these drugs in animal feed without fully understanding the impact on human health. I believe it is important for the Center for Veterinary Medicine to conduct more research on the effects of penicillin in animal feeds, and encourage funding to be added for this purpose. Doing so would shed much needed light on how widespread use of these drugs in feed can affect treating human infections.

Mr. KOHL. I thank the Senator for her attention to this issue. I appreciate all of the important facts she has raised, and look forward to working with her.

Mrs. CLINTON. Mr. President, I have an amendment to offer to the Agriculture appropriations bill for fiscal year 2007. My amendment calls for the Center for Veterinary Medicine to study the effects that certain uses of penicillin in animal feeds have on the human immune system.

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I hope that my colleagues will join me in support of this important amendment.

Mr. KOHL. Mr. President, although it does not appear that we will be able to complete action on the Agriculture appropriations bill this evening, I would like to take a quick moment to thank Senator BENNETT and his staff for their hard work. I have had the pleasure of serving with Senator BENNETT on this subcommittee for the last 4 years, and every year he and his staff have worked very hard to write a responsible, bipartisan bill that spends the American citizens tax dollars wisely. They have also worked very closely with my staff, and I remain grateful for that. Once again, I would like to thank Fitz Elder, who did a great job in his first year as clerk, Dianne Preece, Stacy McBride, and Graham Harper. Senator BENNETT, you have an exemplary staff, and I am grateful for all of their, and your, hard work and professionalism.

Mr. BENNETT. Mr. President, I would first like to applaud and thank the senior Senator from Mississippi and chairman of the Appropriations Committee, Senator COCHRAN. Because of his leadership, the Committee on Appropriations reported each of the 12 appropriations bills to the Senate before the August recess, while also shepherding the passage of a supplemental appropriations bill in the spring for the war in Iraq and the lingering effects of Hurricane Katrina. This is the earliest the committee has reported all its bills since 1988. I believe the Appropriations Committee to be one of the most difficult committees to chair in the Senate, and Chairman COCHRAN has done a marvelous job. During his tenure, he has worked diligently to maintain regular order, and once again this year he made sure the committee met its responsibilities.

I also would like to thank my staff and the staff of Senator KOHL. Specifically, I would like to thank Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales of the minority staff and Fitz Elder, Dianne Preece, Stacy McBride, and Graham Harper of the majority. A special mention goes to Hunter Moorhead, who ably assisted in the drafting of this legislation before leaving the subcommittee staff to take a position at the White House. These individuals work in a truly bipartisan manner, and I thank them for their hard work this year.

Shortly, the Senate will vote in relation to the agricultural disaster amendment, and the Agriculture appropriations bill will come to a premature end. It was the first appropriations bill to be reported to the Senate this year, and it will likely be the last to be considered by the Senate in the 109th Congress. While I would prefer a vote on final passage, we will have to finish the fiscal year 2007 Agriculture appropriations bill in the 110th Congress.

I wish Senator KOHL Godspeed as he takes over the helm of the subcommittee in the next Congress. It has been my pleasure to work with him over the last 3 years.