

I should note, as I did before, this is not below the baseline. There is only room because we're going well above the baseline. We're actually charging fees or doing some other things to free up offset money to actually pay for the disaster.

Mr. POMEROY. If I just can respond briefly.

Mr. FLAKE. Sure.

Mr. POMEROY. Madam Speaker, the ad hoc disaster programs that we have passed did not figure into the agriculture baseline so they have not counted.

Additionally, the baseline that we're operating under for this farm bill is below the baseline that we operated under for the last farm bill.

Mr. FLAKE. I thank the gentleman.

I should note that the gentleman mentioned that we've cut billions of dollars since the last farm bill. We haven't cut anything. The reason that not as much has been paid out under countercyclical or some of the other programs is being a product of high prices, and that's as the program works. But I should note that even though there have been high prices, we're still having disasters seemingly everywhere with very loose definitions of what a disaster is, and I would suggest that we will have those again, whether or not we include a permanent disaster title. That's what experience tells us. That's what we've learned just over the past few years. It doesn't matter if you include a permanent disaster title or you include this under the baseline, you will have disaster payments go out.

And my plea would be let's stand for the taxpayer here. We don't often do that in the Congress. Let's say that enough is enough, that we can't continue to pay out money on top of money that we said we weren't going to pay out.

Again, I thank my colleagues for their indulgence. I know we went a little longer than we thought.

I would urge support for this motion to instruct.

Let's keep what the House did and reject the disaster title that the Senate put in.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ADJOURNMENT

Mr. POMEROY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 2008, at 10 a.m.

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONALD J. CAZAYOUX, Jr., Louisiana, Sixth.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2008-0003; FRL-83590-7] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0872; FRL-8360-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0139; FRL-8359-9] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance [EPA-HQ-OPP-2007-0906; FRL-8355-4] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerance [EPA-HQ-OPP-2006-0855; FRL-8360-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6407. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program for Fiscal Year 2008, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

6408. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Readiness Center — East (formerly Naval Air Systems Command Naval Air Depot — Cherry Point) in Havelock, NC, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

6409. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Daniel O. Wyman, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6410. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6411. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6413. A letter from the Director, Administration and Management, Department of Defense, transmitting Certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to Public Law 108-287, section 8055; to the Committee on Armed Services.

6414. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002," pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

6415. A letter from the Secretary, Department of Labor, transmitting a copy of proposed legislation to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

6416. A letter from the Chairperson, National Council on Disabilities, transmitting the Council's report entitled, "Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment"; to the Committee on Education and Labor.

6417. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [EPA-HQ-OAR-2007-0510; FRL-8556-1] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6418. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [EPA-HQ-OAR-2004-0439, FRL-8556-2] (RIN: 2060-AN12) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6419. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area [EPA-R03-OAR-2007-0185; FRL-8555-5] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6420. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations [EPA-R03-OAR-2007-1009; FRL-8555-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6421. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2006-0213; FRL-8358-4] (RIN: 2070-AB27) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6422. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-hour Ozone NAAQS [FRL-8545-5] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6423. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-OAR-2008-0116-200807a; FRL-8560-3] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6424. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8544-2] (RIN: 2060-AO86) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan [EPA-R08-OAR-2007-0367; FRL-8552-4] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules [EPA-R05-OAR-2007-1177; FRL-8559-7] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for P and U-listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the EnergySolutions' Facility in Clive, Utah [EPA-HQ-RCRA-2007-0936; FRL-8560-1] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana [EPA-HQ-OAR-2008-0314; FRL-8559-9] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2007-0532-200810, FRL-8560-2] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2007-1188 FRL-8559-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class 1 Area [EPA-R05-OAR-2004-WI-0002; FRL-8557-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area [EPA-R03-OAR-2007-1068; FRL-8559-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138, FRL-8557-1] (RIN: 2060-A099) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6434. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision [EPA-R04-OAR-2007-1091-200813; FRL-8559-1] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska [EPA-HQ-OAR-2007-0071; FRL-8557-8] (RIN: 2060-AN94) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8542-3] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder [EPA-HQ-OAR-2003-0190; FRL-8545-3] (RIN: 2060-AM06) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for Section 110(a) State Implementation Plans for the 8-hour Ozone NAAQS [FRL-8545-6] (RIN: 2060-AP03) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche [EPA-R06-OAR-2006-0871; FRL-8545-2] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6440. A letter from the Attorney-Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rural Health Care Support Mechanism [WC Docket No. 02-60] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6441. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton, Oklahoma) [MB Docket No. 07-227 RM-11405] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6442. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork and Paulden, Arizona) [MB Docket No. 07-220 rm-11403] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.