

Mr. KOHL. Mr. President, I have worked a great deal with my friend from Ohio on international hunger issues and encourage my colleagues to support his amendment.

I also ask that I and Senator CHAMBLISS be added as cosponsors.

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

Mr. KOHL. In recent weeks, we have witnessed disaster and hunger and displacement on our own shores. Those images are compelling. They remind us that hunger and displacement and enormous human need are chronic conditions in many parts of the world. For the people living in these circumstances, U.S. food aid is as important as it has ever been.

I hope this amendment forces policymakers to rethink and recommit themselves to international hunger relief.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1741) was agreed to.

Mr. KOHL. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 1812

Mr. BENNETT. Mr. President, I send an amendment to the desk for the senior Senator from Nevada, Mr. REID.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. REID, proposes an amendment numbered 1812.

Mr. BENNETT. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that funds made available for the Plant Materials Center in Fallon, Nevada, shall remain available until expended)

At the appropriate place, insert the following:

SEC. _____. Amounts made available for the Plant Materials Center in Fallon, Nevada, under the heading "CONSERVATION OPERATIONS" under the heading "NATURAL RESOURCES CONSERVATION SERVICE" of title II of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2823) shall remain available until expended.

Mr. BENNETT. Mr. President, I ask that this amendment be agreed to on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1812) was agreed to.

Mr. BENNETT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

RECESS

Mr. BENNETT. There is a briefing going on in the Capitol with Members of the Senate invited to attend. Accordingly, with the approval of leadership, I ask unanimous consent that the Senate stand in recess until 5 o'clock.

There being no objection, the Senate, at 4:01 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I say to Senator BENNETT that I know he is managing a bill, and I see no one else is here on that bill at this time and I would like to make a statement about Judge Roberts.

NOMINATION OF JOHN ROBERTS

Mrs. BOXER. Mr. President, when a seat on the Supreme Court opened in July, I made a promise to the people of California. I promised I would only support a nominee I believed would protect their rights and freedoms.

After much thought, I have concluded that I cannot in good conscience give my constituents that assurance with the nominee we have before the Senate, Judge John Roberts. In fact, I am very worried that with Judge Roberts on the Supreme Court, the rights and freedoms that have made America a light to the rest of the world could be in serious jeopardy.

The question before the Senate is not whether Judge Roberts is a brilliant lawyer and not whether he is well qualified or well spoken or affable or unflappable. He is certainly all of those. But examining his credentials is where our analysis must begin, not end. The American people understand this. In poll after poll after poll, the American people say that before we vote, it is important to know where Judge Roberts stands on key issues that define us as Americans and what kind of country we will leave behind for our children.

The next Chief Justice will have the opportunity to steer a deeply divided Court and influence our lives and the lives of our families for generations. In recent years, the Court has issued 5-to-4 decisions to protect our air, to safeguard women's reproductive health and

the rights of the disabled, to give HMO patients the right to a second opinion, to allow universities to use affirmative action, and to guarantee government neutrality toward religion.

With so many of our fundamental rights hanging in the balance, it is not good enough, in my view, to simply roll the dice, hoping a nominee will change his past views. It is not good enough to think this is the best we can expect from this President. I simply do not buy into that reasoning. And no, I don't buy into this reasoning either: Let's support this nominee because the next one might be worse. I will tell you why that rationale does not work for me and it will never work for me as long as the Constitution gives me and my colleagues in the Senate an equal role in this process.

It fails the bar that I set—the bar that says that I must be able to look into the eyes of my constituents and assure them that I feel confident in this choice. I said I could only vote for a nominee who would protect the rights and the freedoms of the people I represent.

I need to be able to look into the eyes of my constituents and to assure them I have made that judgment before I vote yes in their name. I can't do it here. We must demand far more in a nominee because the people we represent deserve no less.

I will vote no on this nomination because of what we know and what we do not know about Judge Roberts.

Long before President Bush made this nomination, we knew that his model judges were Justices Scalia and Thomas.

Now, President Bush isn't known for changing his mind, so that doesn't leave us in a good place if we're hoping for a moderate. Nor does a reading of Judge Robert's record while he served in the Reagan Administration 20 years ago.

In fact, some of Judge Roberts's writings raise serious concerns about whether he understands the ugly history of discrimination and injustice in our country, or the proper role of government in injustice and discrimination.

Of course, we were told over and over again by Judge Roberts and by this administration and some of his supporters: Do not pay attention to those memos; they were written long ago; he was just a young man; he was just a lowly staff attorney. Here is the point: Judge Roberts never backed away from those memos. When given the chance, he said over and over again they were written for someone else. Someone else is not up for the Supreme Court; Judge Roberts is up for the Supreme Court. So to simply say, Yes, I wrote that, but I wrote it for someone else, just does not pass the test.

Then we try to examine Judge Roberts' tenure years later as a top political appointee under the first President Bush. That is when he worked as Deputy Solicitor General for Ken Starr,

who was the Solicitor General. Again and again, Senator LEAHY, Senator KENNEDY, Senator FEINSTEIN, all the Democrat Senators on the Judiciary Committee asked for documents relating to just 16 cases that would have shed some light on the way Judge Roberts approaches civil rights, reproductive health, the separation of church and state, environmental protection, and more. The Democratic women Senators asked too. But again and again, the administration refused to turn over the documents, and Judge Roberts refused to help us.

The President had access to that information when he nominated Judge Roberts. Why should this Senate a full partner in choosing the next Justice—have anything less?

This is not a small point of process. This goes to the heart and soul of what we are expected to do as Senators. We are supposed to be an equal partner in this process. We have the role of advice and consent to the President on judicial nominations. How can we do our job if the administration has access to information and yet we don't? I don't think it is fair. I don't think it is just.

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. I thank the Senator for making her statement and particularly her comments about the effort by the Judiciary Committee to seek some 16 of the 300 cases in which Judge Roberts was involved as a Deputy Solicitor General.

As Judge Roberts pointed out during the hearings, when he was acting as the Solicitor General, he was acting as America's lawyer. That was not being a part of the Republican administration. The Solicitor General is to act as America's lawyer. That is why even Robert Bork, when he was Solicitor General, gave the information to the committee; and Brad Reynolds, who was in the Solicitor General's Office, also gave the materials from the Solicitor General to the committee.

As I have listened to the Senator, this is basically Judge Roberts' job interview for America. The members of the Judiciary Committee are just instruments to try to help the American people understand this nominee. It seems to me if the material had been favorable to Judge Roberts, they probably would have made it available. I imagine the American people are wondering, since others have made it available, why they did not make it available for him and why they denied the American people additional helpful information so they would be able to make up their own minds during the course of the hearing.

I underline the point the Senator made about the importance of information and the importance of documents. Would the Senator not agree this is basically Judge Roberts' interview with America, that the Judiciary Committee is the instrument by which the American people are forming an impression? It is a worthwhile part.

This is no more a client-lawyer relationship than the man in the moon, although some have suggested that. This is a longstanding process where that material has been made available to the Judiciary Committee. I have had the good opportunity to sit for some 20 nominees, I have seen the different procedures followed, and I have seen when it has worked the best. The information has been made available to the American people, and this is the point the Senator is making.

I wanted to ask the Senator if she agreed with me that this is his job interview with America?

Mrs. BOXER. I thank the Senator for asking me this question. I could not agree more. The American people have told us through many polls that they want to have this information. They want to know. They believe it is more important and I believe the number was 77 percent said it was more important to know about where Judge Roberts stood than it was to know about his qualifications. Everyone agrees on his qualifications. The Senator is absolutely right. It is, to me, very disappointing that the judge himself refused to help us.

It is also my understanding—and Senator KENNEDY, if I am wrong, I hope you will correct me—that when Judge Rehnquist was up for the Court, he also turned over documents from when he was a lawyer in government. So we had Judge Rehnquist, we had Robert Bork, and that was the right thing to do.

You have to ask the question, What are they hiding? The American people are very smart. They understand it. Why wouldn't one show the committee this information?

Mr. KENNEDY. Will the Senator yield?

Mrs. BOXER. I am delighted to.

Mr. KENNEDY. The point being this was only a request for 16 cases out of the 300 cases he actually participated in directly. There were many more where he expressed an opinion. These 16 directly involve constitutional issues. One was on a case involving affirmative action where the Federal Communications Commission asked the Solicitor General's Office to support their program on affirmative action because no major television stations were available to any of the minorities, Black or Brown, in this country, and they were trying to work out a process where there could be greater availability and they would be able to participate in these various bids that were coming in. They requested the Solicitor General to help them. They had a program. It had been approved. They asked the Solicitor General's Office to help them with their program.

What happened is not only did Mr. Roberts decide he wouldn't help them, he filed a brief for the Solicitor General's Office in opposition to the agency's program that would have opened up greater competition, greater diversity in terms of communication and ownership. That is exceptionally done,

rarely ever done. All we were trying to find out was the circumstances—why did this happen, this unique set of circumstances?

Clearly, if we had enough time, I suppose we could have had the Federal communications lawyers at that time come in, and we could have tried to do our own kind of investigation on this particular case. But that is not what these hearings are all about, and that was illustrative of the type of case that was being requested and was denied to the Judiciary Committee, which had a direct relevancy as to his competency—whether we were going to continue to march toward progress in striking down the walls of discrimination, the walls of denial of opportunity, the gender discrimination which we have had in this country and which we made very substantial progress in over the period of the last 30 years with title IX, the actions that we have taken in terms of the 1964, 1965 Act, the 1968 Housing Act.

Mrs. BOXER. I say to the Senator, I think what we have tried to do in this little exchange is make a point to the American people that information was denied to the Judiciary Committee, and that information was denied to the Senate. And, the only information we have is very slim. It is a 2-year stint on the DC Circuit Court of Appeals.

We have a lot of information from 20 years ago. So on the one hand, it is kind of a catch-22 circumstance here. When you go back 20 years ago, everybody says: Oh, that is old information. It does not reflect Judge Roberts. You ask Judge Roberts, he won't answer. He says he was writing for someone else. So we then need to look at the time in the 1990s when he worked in the Solicitor General's office. But, we cannot get that information. So we go around in a circle.

I have to say, if this debate were about a small matter, it would be one thing. But, we are talking about the future of this country. The importance of a position on the U.S. Supreme Court cannot be overstated.

Mr. KENNEDY. Mr. President, will the Senator yield further?

Mrs. BOXER. Mr. President, I am happy to yield.

Mr. KENNEDY. On those memoranda, I think the Senator quite appropriately recorded that he had written those a number of years ago. And he, when he was asked about those memos, indicated he was just working for the administration. Of course, he made the application to work for the administration; he was vetted for the administration; he got the job with the administration. So this was something he very much wanted to do. He was constantly promoted within the administration. He could have very easily worked in another area. As John Lewis pointed out, this was a key moment in American history in terms of the march toward progress and moving ahead in terms of knocking down walls of discrimination.

I say, as a member of the committee, I was disappointed that Judge Roberts would not say whether those were his views today. That was the key. You can accept that, well, he was just an attorney in the Ford administration and was carrying on the administration's policy, although I think that is a stretch in many of the different memoranda that he wrote, when he explicitly said "this is my opinion" and "I believe," as compared to "we believe" or "it is our position." I think that is very distinguishable.

But, nonetheless, he was asked repeatedly, as I mentioned in my comments earlier, by Senator KOHL, by Senator FEINGOLD, by Senator BIDEN, and other members of the committee, are those his views today? I expected he would say, "well, you know, times have changed. I wouldn't have used those words. I wouldn't have come, perhaps, to those conclusions," which would have been very understandable. But there is not a single instance—not a single instance—during the course of those hearings where he said: Those are not my views today. I have changed my position.

I think the Senator appropriately points out that aspect of the hearings and why that is troublesome. Because we only can conclude if he does not disown those positions, they may very well be his positions today, which would be very disturbing.

Mrs. BOXER. I say to the Senator, again you are making a very important point. The fact is, Senators on the Judiciary Committee—and I watched every minute of the hearings I could. I even watched the reruns of your hearings in the evening. You gave Judge Roberts ample opportunity in a very nice way to distance himself from his writings. He refused to do so. He simply said: I was doing this for my boss, and I was thinking like my boss. It is not good enough because he is the one who is up for Chief Justice.

I know Senator BENNETT would like me to conclude, and I will do so.

In his reviewing his record, I also looked for some assurance in the decisions Judge Roberts wrote during his two years on the DC Circuit. But, again, nothing. In fact, some cases raised serious concerns about his commitment to protect the environment and his support of an all-powerful executive branch.

Judge Roberts had three days to tell the Senate and the American people what he really believes today.

He had the chance repeatedly to distance himself from the controversial positions he once advocated. He did not.

Let's face it: Judge Roberts was specific only when it mattered least and evasive when it mattered most.

Last year I ran for the Senate, and I ran a commercial that people said was very direct, but that is the kind of Senator I am. I said in my own words, right in that commercial, I would do everything in my power to ensure that

we never go back to those dark days of back-alley abortions, when thousands of women died and many others were rendered infertile.

We know that Judge Roberts signed a brief calling for Roe to be overturned. It was one of those 16 cases the administration will not release. And it concerned one of the many important topics about which Judge Roberts refused to answer questions.

To simply say Roe is a precedent, which he said over and over again, is stating the obvious. Every case of the Supreme Court is a precedent. And to say you respect precedent, yes, every judge must respect precedent. But it does not give us an inkling into his views, and that is not good enough.

We deserved an answer to Senator FEINSTEIN's questions about privacy: Does the right to privacy extend to the beginning of life and the end of life? We still don't know what Judge Roberts believes.

We deserved an answer to Senator BIDEN's question about gender discrimination. Does Judge Roberts stand by an interpretation of title IX that would have denied all remedies to a girl who was repeatedly sexually harassed by her teacher? We still do not know how Judge Roberts feels.

We deserved an answer to Senator KENNEDY's probing questions about civil rights. Does Judge Roberts have any concerns about the constitutionality of landmark civil rights laws? We still do not know.

How could he be silent on those laws. They stand out in history as landmark moments that changed the course of human events in America forever, that finally spoke to all our citizens and told them they were equal, and the government would make sure they were protected and safe.

We deserved answers to Senator LEAHY's questions about Congressional War Powers. We did not get them.

Now, Judge Roberts says as a Justice, he will "just" be an umpire calling balls and strikes. Of course, balls and strikes look a lot different depending on where the umpire is standing. And umpires have a lot of power to decide who wins and who loses.

So who will be the winners if we confirm Judge Roberts next week? Will it be the families of America? Will it be the children of America? Will it be the victims of violence? Will it be the poor and the powerless? Will it be the middle class? Will it be the environment? Will it be freedom? Will it be liberty? Will it be justice? Will it be our Constitution? Or will the winners be those who want to stop the national Government from acting to protect and defend our people and their rights and their freedoms?

I cannot tell my people that Judge Roberts will continue the steady march of progress that has defined our country's proud history.

So I will vote no. And because I believe the Senate deserves those 16 cases that Senator KENNEDY talked about,

and answers to our questions, I will vote no.

I hope and pray my doubts about Judge Roberts are misplaced and that he will join the moderate wing of the Court to protect the Constitution of this country that I love so much and the deserving people of my great State who will be counting on him to protect their rights and their freedoms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the hour of 4 o'clock has come and gone. That was the hour by which all amendments to the bill had to be submitted. We had 120. We have disposed affirmatively of 31 of those, and we are not at all sure the other roughly 90 are all going to be offered.

The majority leader has made it clear he wants to finish this bill tonight, and so I say to those who have amendments still on the list, if they do not show up to offer their amendments, we will move to third reading at an appropriate time. We want to accommodate the majority leader's desire. I think it is the desire of most of the Members of the Senate to move forward. So I say to the other Members who do have amendments, you are on notice that if you do not let us know you are going to be here and try to reserve some time to call up your amendment, we will indeed move to third reading. There are hotlines that have been going out to Senators who have amendments filed to give them that message. We will go forward in that fashion.

AMENDMENTS NOS. 1754 AND 1755

Mr. President, I do have two additional amendments to those that have already been cleared, which I send to the desk and ask for their immediate consideration. Both are on behalf of Senator SALAZAR of Colorado.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for Mr. SALAZAR, proposes amendments numbered 1754 and 1755 en bloc.

Mr. BENNETT. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 1754

(Purpose: To provide for a report on the impact of increased prices of gas, natural gas, and diesel on agricultural producers, ranchers, and rural communities)

On page 173, after line 24, insert the following:

SEC. 7. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in cooperation with the Secretary of Energy, shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that describes the impact of increased prices of gas,

natural gas, and diesel on agricultural producers, ranchers, and rural communities.

AMENDMENT NO. 1755

(Purpose: To require the Secretary of Agriculture to prepare a report on the conduct of activities to address bark beetle infestations)

On page 173, after line 24, insert the following:

SEC. 7. The Secretary of Agriculture (referred to in this section as the “Secretary”) shall prepare a report for submission by the President to Congress, along with the fiscal year 2007 budget request under section 1105 of title 31, United States Code, that—

(1) identifies measures to address bark beetle infestation and the impacts of bark beetle infestation as the first priority for assistance under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.);

(2) describes activities that will be conducted by the Secretary to address bark beetle infestations and the impacts of bark beetle infestations;

(3) describes the financial and technical resources that will be dedicated by the Secretary to measures to address bark beetle infestations and the impacts of the infestations; and

(4) describes the manner in which the Secretary will coordinate with the Secretary of the Interior and State and local governments in conducting the activities under paragraph (2).

Mr. BENNETT. Mr. President, I call for a vote on the two amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 1754 and 1755) were agreed to.

Mr. BENNETT. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BENNETT. With that, Mr. President, we continue to go through the amendments that are available to us to see if they can be cleared on both sides in an effort to get them cleared. But I say, once again, to Senators who may be watching, we need to have an understanding of whether you are coming forward. We will soon reach the point where the amendments that can be cleared on both sides have been. At that point, if a Senator has not notified us of his intention to proceed and has not shown up, we will move to third reading.

The PRESIDING OFFICER. The Senator from Utah should be advised that in my capacity as a Senator from Oklahoma, I plan to offer amendments, and I will make those arrangements forthwith.

Mr. BENNETT. I thank the Presiding Officer. We were aware of his intention to offer his amendments, and we will not take advantage of him being trapped in the Chair to move ahead without protecting his rights and his interests.

The PRESIDING OFFICER. The Chair thanks the Senator.

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

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

AMENDMENT NO. 1760, WITHDRAWN

Mr. DURBIN. Mr. President, I rise to enter into a brief colloquy with Senator COCHRAN, who is the chairman of the Senate Appropriations Committee, to discuss agriculture disaster assistance. The purpose of this colloquy is to set the stage for withdrawing a pending amendment which I am sure the chairman of the subcommittee, the Senator from Utah, will be happy to hear.

This has been a tough year for agricultural producers from coast to coast. Hurricane Katrina has decimated production throughout the gulf coast. The most recent USDA estimates released yesterday put hurricane-related losses in that region at nearly \$900 million as a result of Hurricane Katrina. Having just visited this region with Senator COCHRAN a few days ago, I am not surprised. The devastation there is unimaginable, until one is on the scene.

In addition, we have had a terrible drought in the Midwest—in my home State of Illinois, Missouri, parts of Iowa, and Minnesota. We have had the worst drought in over 100 years in some parts of my State. Every county but one in Illinois has been designated a disaster area by the Secretary of Agriculture. Corn that should be standing 10 feet tall in some of the most fertile ground in America barely measures 6 feet and, sadly, is not going to produce much. The same is true for many of my counties when it comes to soybean production.

These drought conditions have reduced crop yields. Based on September USDA estimates of 2005 crop production and prices, the value of corn and soybean production in Illinois has been reduced by over \$792 million, relative to what might have been expected under average growing conditions. In addition to these losses, there may be impacts on other crops and pastures as well.

We also face flooding in parts of North Dakota, red tide problems in New England that are shutting down shellfish producers who depend on the sea for their livelihoods, and an extended drought in the West and parts of the South, including Arkansas.

During this uncertain time, it is important to ensure that our agricultural producers stay in business. Most producers depend on farming for their livelihoods. In addition, there is an intrinsic good in knowing our food has been grown locally, is regulated by the Federal and State Governments, and is the safest in the world. We all benefit when American farmers are prosperous. For all of these reasons, I hope to ensure that our farmers, ranchers, and others who face disaster losses have their day in court when it comes to our Federal Government.

We have done this in the past. Last year, following a series of hurricanes, we enacted legislation to provide assistance to farmers who experienced crop loss.

I wish to ask the Senator from Mississippi to include agriculture losses incurred due to Hurricane Katrina and other national disasters, including the drought in the Midwest, in the next Katrina supplemental package.

I yield the floor to the Senator from Mississippi for a response.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am happy to join my friend from Illinois in bringing to the attention of the Senate the fact that there have been substantial losses that have occurred as a result of Hurricane Katrina, particularly in the States of Louisiana, Mississippi, and Alabama.

Having visited the State, as the Senator pointed out, just recently, it makes a vivid impression upon anyone who looks upon the widespread disaster that was caused by this dreadful hurricane.

While we do have on the books Federal crop insurance programs, other disaster assistance authorization, there always seems to be examples in a disaster of this kind of unmet needs and where, for some reason or another, the effect of the disaster is not fully protected by existing programs.

I am pleased to note, on page 88 in the committee report accompanying this appropriations bill, the committee includes information about the recent amendments to the Agricultural Risk Protection Act. It amended the original Federal Crop Insurance Act to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improved protection from production and income loss and to improve the efficiency and integrity of the Federal Crop Insurance Program.

So progress has been made, but notwithstanding, I agree to work with the Senator from Illinois and the chairman of the subcommittee to craft language and funding that would be approved by the Senate, it is my hope, in any supplemental bill which the administration may request.

It is my understanding, from a visit yesterday with the Director of the Office of Management and Budget, it is expected that the administration will request an additional appropriation supplementing the funds that are available for many Government agencies and some departments to continue to provide disaster assistance to help recover from this dreadful hurricane.

In that legislation, when it does come before the Senate, we will work together to ensure that an appropriate provision is included, as described by the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Mississippi for coming over to the floor because I know

there are thousands of agricultural producers across the United States who were anxious to hear we are mindful of the disasters they have faced and in the region of Hurricane Katrina and other natural disasters across our country.

I ask unanimous consent that the following cosponsors be added to the amendment I have sent to the desk: My colleague from Illinois, Senator OBAMA, who shares my feelings on the drought that has faced our State, as well as my colleague from across the Mississippi River, Senator BOND.

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

Mr. DURBIN. Mr. President, with this colloquy, however, I feel confident we can work together to resolve this problem in a reasonable way and, as a consequence, I ask unanimous consent to withdraw amendment No. 1760.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. OBAMA. Mr. President, I rise today to commend my colleague, the senior Senator from Illinois, Mr. DURBIN, for his work in crafting this legislation, of which I am a cosponsor. This amendment would provide critically needed disaster relief to Illinois farmers who face significant financial jeopardy from crop losses due to this season's historic drought.

Illinois agriculture is experiencing one of the driest periods in the last century and certainly one of the most severe droughts in two decades. Illinois is the Nation's leading producer of corn and soybeans. However, U.S. Department of Agriculture, USDA, reports show that more than half of the corn crop and almost a third of the soybean crop have been decimated by drought. Of the 102 counties in Illinois, 98 have reported crop damage due to the lack of rainfall.

In July, Senator DURBIN and I asked the Secretary of Agriculture to declare the affected counties in Illinois an agriculture disaster area. I am pleased that President Bush granted our request to give our Illinois farmers some much-deserved relief, qualifying Illinois farmers for USDA assistance programs, including low-interest emergency loans.

While this action provided an important amount of economic assistance, the scope and severity of this year's drought requires that additional measures be taken. At the present time, most of northern and western Illinois remains in a severe or extreme drought. Much of eastern Illinois is classified as abnormally dry. This is particularly alarming because farmers are at a critical point in the growing season.

Moreover, the reduction in fuel refining capacity caused by Hurricane Katrina has resulted in Illinois farmers facing a sudden surge in unanticipated fuel costs on top of already escalating fuel prices. The disruption in Mississippi River traffic at gulf ports,

where half of the Nation's grain exports are shipped for foreign markets, has spiked shipping costs for farm commodities transported by barge downriver. The threat of an aflatoxin outbreak that affects corn during times of crop stress and drought is also of particular concern in recent weeks; should this condition progress after harvest and storage, farmers may face additional financial consequences in the coming months.

I understand that the Senior Senator from Mississippi, Mr. COCHRAN, has made a commitment to address this issue in the next hurricane supplemental appropriations bill that is sent to Congress. Given that commitment, I support Senator DURBIN's decision to withdraw the amendment, and I thank Senator COCHRAN for his cooperation.

Mr. BENNETT. Mr. President, we are making progress. I see the Senator from Minnesota on the floor and hope that he can proceed with his amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Is there an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

AMENDMENT NO. 1844, AS MODIFIED

Mr. DAYTON. Mr. President, I call up amendment No. 1844 and send a modification to the desk and ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment numbered 1744, as modified.

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

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

The amendment is as follows:

On page 88, line 16, strike "\$23,103,000" and insert "\$21,103,000".

On page 109, line 21, before the period at the end, insert the following: "Provided further, That none of the funds made available by this Act may be used to carry out section 508A(c)(1)(B)(i) of the Federal Crop Insurance Act (7 U.S.C. 1508A(c)) in a manner that, for purposes of counties declared to be disaster areas in calendar year 2005 by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) or by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), applies the phrase 'in the same crop year' to have a meaning other than not later than October 15 of the year in which the first crop was prevented from being planted".

Mr. DAYTON. Mr. President, this is a very simple amendment. It addresses the severe crisis in counties in northwestern Minnesota that were flooded last June after they had planted their crops. Many farmers in that region of my State lost most or even all of their crops. So the preventive planting program has been established which allows

them to plant alfalfa and other cover. It says, after November 1, they may harvest the crop or graze on the crop. That works well for most of the country, but whoever wrote that date into law some time ago forgot to check the weather maps as they pertain to northern Minnesota which, by November 1, is often under snow.

The intent of the program is to provide for the ecological covering of the affected acreage, then allowing for farmers to salvage something off the land in addition to the preventive payment from the Government by harvesting it or allowing grazing on it. The effective date is too late to benefit Minnesota farmers.

This amendment would simply say, for those counties in Minnesota and elsewhere across the country that have been declared an agriculture disaster in this calendar year by either the President of the United States or by the Secretary of Agriculture, pursuant to their authorities, that they would then, for the purpose of this year only, be able to use that acreage for harvesting or grazing effective October 15. It moves up the timetable.

I think it preserves the original and actual intent of the program, and it means it applies to northern Minnesota, as it does to the rest of the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the amendment offered by the Senator from Minnesota does involve some cost. We are, at the moment, unable to have a score from CBO. We are working on getting a scoring from CBO, so I ask we not vote on this amendment at the present time, until we get that.

I will say to the Senator and to Senators, generally, since the passage of the bill by the committee, we have had a number of requests, such as the one from the Senator from Minnesota, many of which appear to be meritorious but when added together, we get a sum of money that we simply cannot sustain under our allocation. So we have taken the position that we will not entertain these additional requests for money.

There are a number of Senators who have been disappointed as a result of that position, including, if I may say, the Senator from Utah. I felt that I had to deal with everybody equally, and those requests that have come in from my own State since the passage of the bill by the committee, with some difficulty, I have had to say to people, I cannot treat Utah differently than others.

This is a meritorious issue the Senator has raised, and I am not saying we will automatically oppose it because it does add to the list that I described. Because we want to know exactly what the number would be and get the information from CBO, I ask that we set this one aside for the time being, and when we have that information, then I

will be in a better position to respond to the Senator's amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I thank the distinguished chairman. I say that the practice of the committee chairman of treating himself equally with anyone else should be noted and praised. I commend it to the rest of the committee chairmen and ranking members as well. I thank the chairman for his remarks.

I apologize for the late moment and also the absence of a score. I had received a score today on a broader amendment, which was \$2 million for this coming fiscal year 2006. I was asked to restrict the amendment. I believe, quite confidently, when the score is obtained, it will be less than that \$2 million.

I am mindful of the imperatives on the subcommittee that they have to meet the mark they have been given. I recognize this will have an impact on that. I hope my staff might work with the chairman's staff and look for some suitable offset and some way to address this issue.

I thank the chairman for his consideration. I apologize again for adding to his burdens.

Mr. BENNETT. Mr. President, I thank the Senator for his comment and assure him this is no burden, and we will do the best we can.

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

Mr. COBURN. Mr. President, in a few moments, I will offer several amendments, but I feel inclined, because of what we have heard about the last two or three amendments that have come forward here, to comment.

There are products offered called crop insurance. It is very important for us as a Senate to remember that everything in life has risk. As we look at Katrina and the tremendous issues that have come forward, not everybody who has a loss in this country is entitled for the Federal taxpayers to pay for that loss. If my house burns down and I am underinsured, is that a Federal Government responsibility? At what level do we recognize personal responsibility and risk in terms of natural events?

There is no question we are going to be working hard to do our part at the Federal level to aid those involved in the tragedy of Hurricane Katrina, but the very idea that now we are considering helping those people means we jump on with everybody else who has a need in this country right now is a very dangerous trend that I guarantee we cannot afford.

I applaud the statement of the Senator from Utah in recognizing there is a limit to what we can afford. I know these issues will come through in regular order and process, but I think it has to be said that these are meritorious, that is right, but they are going to have to be listed with the rest of the priorities in this country of what has to come first.

We do not have an unending source of funds, although sometimes we act as if we do. These are going to have to be put in that order of priority. I am sure this body will do that in terms of priority, but what we cannot do is continue to mortgage the future of the next two generations by not making those hard choices.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1773

Mr. COBURN. Mr. President, I would like to call up amendment 1773.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1773.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce spending levels, to promote more efficient use of resources, and to encourage more appropriate budget estimates)

On page 122, line 24, strike "\$653,102,000" and insert "\$610,754,560".

Mr. COBURN. Mr. President, this is the first of many amendments I am going to be offering the rest of the year to make a downpayment for our grandchildren to pay for Hurricane Katrina. I start small, but there are many in Washington who say we cannot do it, that there is not the waste, fraud, and abuse, there are not significant dollars that are not spent wisely and prioritized. This is one that I am not sure will pass, but it certainly cannot not be recognized by anybody who looks at the books of the rental assistance program that this is an appropriate amendment. The appropriation for this program in 2005 was \$587,264,000. The budget estimate for 2006 was \$650 million, the House allowance was \$650 million, and the committee recommendation is \$653 million.

According to the committee, this program and the objective of the program is to reduce rents paid by low-income families living in rural housing service financed with rental projects and farm labor housing projects. That is a meritorious goal. It is something we ought to be doing, and I fully support doing that. However, the payments from the fund are made to the project owner for the difference between the tenant's payment and the approved rental rate established for the unit.

Why would I offer an amendment to trim that back? It is because the rental

assistance program has been gaming us, according to the Government Accountability Office. Let me explain how.

In March 2004, they reported that since 1990—this is 14 years—the rental housing program had consistently overestimated its budget needs for the rental assistance program. Concern had arisen about the issue in early 2003 because RLS reported hundreds of millions in unexpended balances tied to its rental assistance contracts. Specifically, in estimating the needs for rental assistance contracts, it routinely uses higher inflation factors than recommended by OMB, did not apply the inflation rates that are recommended to each year of a contract, and based the estimates of future spending on recent high usage rather than the average usage of the rental assistance program.

First, the agency used inflated factors that were higher than those recommended by the OMB budget process, that they didn't apply it separately to each year, but they did it cumulatively to gain the amount of money they were asking from Congress. The result was an inflation rate that was more than five times the rate of the last year than the first year. So therefore the numbers they are asking for and the balances that are retained are high. And they are not utilizing the money we are appropriating. They are just accumulating money. RLS based its estimates of future expenditures on recent maximum expenditures—and that may very well be right, but that is what we are doing in supplementals, that is what we have done the supplementals for—rather than the average rates for which the units were funded historically.

According to GAO in its most recent report the agency was not following the guidelines, and they actually overestimated their need last year by \$51 million or 6 percent of their appropriations. That is not TOM COBURN saying that. That is the General Accounting Office saying it. The GAO has harshly criticized the agency for lacking proper internal control standards through its administration of this program. As a matter of fact, one single employee has largely been responsible for both budget estimating and allocating rental assistance funds. This amendment simply reduces it from a growth rate of 10 percent to a growth rate of 4 percent. That is higher than our rate of inflation, but it brings it back in line.

The agency has proven it cannot forecast its real needs accurately. It has not forecast its real needs accurately. It fails to track its real needs and fails to track its basic expenditures.

Let me underscore one point. This program will still receive a \$23.5 million increase this year under this amendment. If we hope to approach any type of fiscal sanity in the Senate or in this country through this Government, then we have to start holding

agencies accountable. We can have all the GAO reports we want. If they keep getting the money on the same basis that they are getting the money, then we are not going to change behavior. What we want to do is not hurt one person who is relying on us for this rental assistance, but what we do want is the agency to apply and come up to the standards that are recognized as necessary in the Federal Government.

This is one of several amendments I will be offering over the next couple of months. But it proves to the American taxpayer that we can do better. My hope is that the committee will look at this amendment, decide that the GAO was right, decide that they have overestimated it, and trim back this money.

This money is money that can be saved and used to start to offset the costs of this catastrophe that is in front of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, the Senator from Oklahoma is correct in the comments that he makes about the GAO and their study of this program. We have looked into it for the same reasons that the Senator from Oklahoma has and find that there have been mistakes made and there have been overestimates made. However, we have also discovered that the Department has recognized this and has made changes in the program, and the Department has reacted to the criticism that has come from the GAO.

The estimates that we have before us in this bill we believe are sound and the concern we have is that there is, in fact, no extra money sitting around. If we were to accept the amendment the Senator has offered, there would, in fact, be people who are currently in low-income housing who would lose that housing. They would lose that housing immediately upon passage of this bill.

It is further, of course, exacerbated by the situation created by Katrina, in that people have lost their housing by virtue of the hurricane, and to see others who have not been affected by the hurricane turned out because of the cutback in this program is something I do not think anybody would want to see.

The President requested \$650 million, as the Senator said. We are at \$653 million, based on the information that we have from the Department, which we now believe is far more accurate than the information of previous years. The GAO criticism is correct about misestimates.

Also, we point out these are 4-year contracts, so that something that appears to be money sitting there is, in fact, not necessarily money sitting there. It is money that has been committed over the 4-year contract. This is not just a single year's appropriation.

For these reasons I would have to oppose the amendment of the Senator be-

cause I believe in the present circumstances we do not want to have the consequence of having people who are currently in housing, currently receiving aid under this program, lose that aid and have to leave their housing. If it were entirely prospective, I would be more sympathetic to the amendment of the Senator, but all of the information I have is that it would, in fact, cause people who are currently receiving this to lose their housing.

I know the Senator from Oklahoma has some other amendments. I would like to give as much notice as possible to Senators around the city as to when we would take a vote. The Senator from Oklahoma says he would like to have this the subject of a rollcall vote. Of course, we will accommodate him. But if we could find out what other amendments the Senator has, and see if we could have a discussion and then set a time for those votes to be stacked—if indeed he wishes to have additional rollcall votes?

I ask if the Senator could respond to that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will be happy to respond. The Senator from Utah has my great respect. I know he is an accountant and has a tremendous background in terms of finance. But if you overestimate for the 3 years prior to coming into this before you change it, and you have contracts based on that that were overestimated, you do have an excess of funds in there now. There will be no shortage of rental payments because of the over-roll of the overpayments, the overestimate of the contracts that have been made.

The good answer for the American people is this is going to throw people out. It is not going to throw a person out. There is plenty of money in this account. There is almost \$50 million at the end of this year left in this account that is not expended and can be spent. So it is not accurate to say people will not be able to have the homes that they have.

I think the Senator will agree that if, in fact, you overestimate inflation rates 4 years running, and you have been appropriated all that money looking forward for that, and you had contracts on costs that were less than that, if anything the surplus will grow if the usage is the same.

To make the argument that we should not do this because somebody might be thrown out, when, in fact, it is not accurate based on the funding that is in this account at this time, doesn't do justice to the very problems that we have before us.

I do not expect this amendment to pass, and I probably will not ask for a rollcall vote. I don't know what I am going to do in terms of asking for a rollcall vote. But it is that kind of thing we have to look at. We have to tighten our belts. There is loose money in this program. It can be done better. They have demonstrated they have

started to do better, but they have not demonstrated they are doing better. What I would ask is for us to send a message: Do better. It doesn't undercut the first person we are trying to help. We have already sent \$62 billion out there for this disaster, and we are planning on sending more. If we need to make an adjustment in one of those appropriations bills, if in fact I am wrong and you are right—which I do not believe to be the case—we can do it then. But send the signal: Do it right, do it efficiently, and do it for the best price you can because our grandchildren are counting on you.

I hope at some point in time we will start getting to the realization that we have to start making some choices. This is a choice that is not going to hurt the first person, but it is going to change an agency to make them recognize you are going to start playing with real numbers and quit gaming the system. They have a cushion. They know they have a cushion. I believe the appropriators and accounting staff know they have a cushion, and we ought to take that cushion away and make them do what they should be doing.

Mr. BENNETT. Mr. President, I am unaware of the existence of the cushion. I would be happy to work with the Senator to try to find out exactly whether there is one and how much it is. But the information that I received both from the staff and, admittedly, from the Department, is there is no cushion and passage of this amendment would, in fact, cause people who are currently in housing to lose their housing.

I am not in a position to challenge the Senator's sources. I simply state that my sources have given me an additional answer. I have not looked over the books. I have not personally gone into the accounting of this situation, and therefore I am not in a position to do any more than state, as I have stated, that my information is different than his.

Clearly, this is a subject that needs to be pursued. I congratulate him on raising it. The question for the Senate now is how we proceed on this amendment, whether the Senator will ask for a rollcall vote and, if he does, when we schedule it.

Mr. COBURN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator may state his inquiry.

Mr. COBURN. Does a decision on a rollcall vote have to be made at this time?

The PRESIDING OFFICER. The Senator is not under any obligation to ask for the yeas and nays at this time.

Mr. COBURN. I will defer that at this time and have a discussion with the Senator from Utah about having a vote on this amendment.

Mr. BENNETT. Very good. We will have that discussion. As I say, my desire is to give Senators notice if they are at a location sufficiently far from

the Capitol that they need a heads up. That is the only concern that I have. I will be here. I will be prepared to vote virtually at any time.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1796

Mr. BINGAMAN. Mr. President, I ask unanimous consent to call up Senate amendment No. 1796.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Hearing none, the clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. JEFFORDS, proposes amendment numbered 1796.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds to carry out the historic barn preservation program, with an offset)

On page 85, line 15, strike “\$128,072,000” and insert “\$126,072,000”.

On page 126, between lines 3 and 4, insert the following:

HISTORIC BARN PRESERVATION PROGRAM

For the historic barn preservation program established under section 379A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o), \$2,000,000.

Mr. BINGAMAN. I ask unanimous consent to lay the amendment aside.

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

Mr. BINGAMAN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1775

(Purpose: To require that any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying this bill be included in the conference report or joint statement accompanying the bill in order to be considered as having been approved by both Houses of Congress)

Mr. COBURN. Mr. President, I call up amendment No. 1775 and ask to set the pending amendment aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1775:

At the appropriate place, insert the following:

SEC. _____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2744 shall also be included in the conference report or joint statement accompanying H.R. 2744 in order to be considered as having been approved by both Houses of Congress.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, this is an amendment I offered earlier in the year on a previous appropriations bill. I want to set the stage for this because I think this is probably one of the most important amendments I will offer in the Senate. It is important the American public recognize what this amendment does.

Appropriations bills start in the House. They come to the Senate. They are met in conference.

In the House bill there is report language. In the Senate bill there is report language. In that report language is where you find out where the money is going to be spent. The purpose of this amendment is to make sure, when a bill comes out of conference, that the Members of this body know where all the money is going to be spent before they vote on the bill.

There is no lack of desire for many of us who want to know that, but it is hard to find out as you approach the conference bill; that is, for us. But it is also difficult for the American people to know.

What this amendment is about is about sunshine. It is about sunshine on the legislative process so that the American people know items that are special projects for Members of Congress, items that have been earmarked or especially directed that we ought to know of, and what that is ought to be in the report language, where it is going and to whom it is going.

This amendment received 34 votes last time. I think it is absolutely imperative for us to keep the integrity of our appropriations process so that we know, No. 1, what is in the bills that we vote on and have available to us—that information on report language, but, No. 2, for the American people to know.

It has been said they can find it on the Internet. They can if they care to really dig through it. But if there is report language that has it where you can go to, you can, in fact, know before we vote what the special interests are that influence the appropriations bills of this country.

This is simply saying sunshine, let us know what is in it, let us print what is in it, and let us not deny what is in it. If it is good, great; if not, take the lumps that go along with it.

If you are doing a special favor for someone, or earmarking one of your political constituencies, it ought to be out there, and it ought to be looked at.

This is a simple, straightforward amendment that we ought to honestly say that we like sunshine rather than darkness and less than straightforwardness.

It is my hope that the body will again consider this and add it to this bill so that, when we go to conference, everybody understands what is in the bill when it comes out of conference. We are going to know what is in the bill, and we will not have to play games to know what is in the bill.

I yield the floor.

Mr. BENNETT. Mr. President, as I examine this question, it is a question that involves the traditions and procedures of the full committee. At the risk of being accused of dodging, I would prefer to have Senator COCHRAN as chairman of the full committee examine and respond.

We have reached out to get hold of Senator COCHRAN to see if he is willing to do that. But this would be a departure from previous procedures.

As I understand, the Senator from Oklahoma would like there to be a permanent departure that occurs on virtually every appropriations bill from here on out. For that reason, I am a little reluctant to set a precedent on the bill over which I have responsibility which might then be cited as a precedent for all the other bills that would follow.

For that reason, I hope we can have Senator COCHRAN appear and have his position before we come to the question of whether or not we vote on it.

Mr. COBURN. Mr. President, so the Members of the body know, I intend to offer this on every bill that doesn't have it. Some of the bills have had it but some have not. So my intention is to offer this amendment for the next 6 years on every appropriations bill that comes through because I believe more information going to the American public is a whole lot better than information hidden and sequestered away from them to know what we are doing.

We are accountable. If we are doing our work, then we ought to be proud of our work, and we ought to put it out.

I will be happy to discuss this with the chairman of the committee. He knows. I have had this debate with him before. I am persistent, and the Senator from Utah knows that. I believe the people of Oklahoma believe it. I believe that the vast majority of Americans believe it. We ought to know what we are voting on, where the money is going and who is going to benefit from it ought to be printed.

On this amendment, I ask for the yeas and nays, and I ask for a rollcall vote on this amendment.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1773

Mr. BENNETT. Mr. President, I call for the regular order on the Coburn amendment No. 1773.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BENNETT. Mr. President, I call for a vote on this by voice.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1773) was rejected.

Mr. BENNETT. Mr. President, I ask unanimous consent that the time between now and 7 o'clock be evenly divided between myself and Senator BINGAMAN from New Mexico, with the vote on the Coburn amendment No. 1775 to occur at 7 o'clock to be followed by a vote on the Bingaman amendment, with the yeas and nays ordered in both instances with no other amendments being allowed to either amendment prior to the time.

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

It shall be in order to order the yeas and nays on any amendment at this time.

Mr. BENNETT. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BENNETT. Mr. President, I renew my request.

The PRESIDING OFFICER. The Chair states that at 7 o'clock a rollcall vote will occur on the Coburn amendment, followed by a vote on the Bingaman amendment, with the time between now and then evenly divided between the Senator from Utah and the Senator from New Mexico.

Mr. BENNETT. Mr. President, I ask unanimous consent that between the two votes there be a period of 2 minutes for explanation equally divided between the Senator from New Mexico and myself.

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

The Senator from New Mexico is recognized for 10 minutes.

Mr. BINGAMAN. Thank you very much, Mr. President. And I thank my colleague from Utah for his courtesy.

AMENDMENT NO. 1797

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. LUGAR, proposes an amendment number 1797.

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

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

The amendment is as follows:

On page 85, line 15, strike "\$128,072,000" and insert "\$118,072,000".

On page 132, line 24, strike "\$12,412,027,000" and insert "\$12,422,027,000".

On page 132, line 26, strike "\$7,224,406,000" and insert "\$7,234,406,000".

On page 133, line 6, before the period, insert the following: "Provided further, That not less than \$20,025,000 shall be available to implement and administer Team Nutrition programs of the Department of Agriculture".

Mr. BINGAMAN. Mr. President, this amendment I described earlier today, but let me describe it briefly again because it is very straightforward.

Each year, when the administration sends the Congress its budget request for the Department of Agriculture, it asks for \$10 million for nutrition education. It is the Team Nutrition programs sponsored by the Department of Agriculture. This is funding that goes to 21 States to try to assist them in providing nutrition education in the schools. The other 29 States get no funds. My State gets no funds because there is not enough being appropriated. This program cannot cover more than the 21 States that are currently covered. So the children in my State do not get the benefit of this nutrition activity.

Why is nutrition education an important issue for this Congress and this country at this time in our history? I would suggest that the best case for explaining that is set out in this letter which I received from the American Heart Association endorsing the amendment that I am offering on behalf of myself and Senator LUGAR. Senator LUGAR is the cosponsor of my amendment.

I ask unanimous consent that this letter be printed in the RECORD.

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

AMERICAN HEART ASSOCIATION,
AMERICAN STROKE ASSOCIATION,

September 21, 2005.

DEAR SENATOR BINGAMAN: On behalf of the American Heart Association and its division, the American Stroke Association, I am pleased to offer our support for legislation that would expand funding for Team Nutrition. This program provides funding to states to support nutrition education and promote physical activity in schools. The current funding level of \$10 million provides support to only 21 States. The additional funding would be used to expand the program so that more young people could obtain the knowledge and skills necessary to make healthy lifestyle choices.

Overweight and obesity, especially among children, have emerged as serious threats to our nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is a major risk factor for coronary heart disease, which can lead to heart attack. Obesity can also induce diabetes, which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least four to nine months, and if childhood obesity continues to increase, it could cut two to five years from the average lifespan. This could cause our current generation of children to become the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs. The World Bank has estimated the cost of obesity at 12 percent of the nation's healthcare budget.

The American Heart Association is committed to lowering rates of overweight and obesity in the United States by helping

Americans make better nutrition choices and by facilitating increased levels of physical activity at all ages. We support program and activities like those in your amendment, that can help reduce rates of obesity, cardiovascular disease and stroke. We commend you for your leadership on this issue and look forward to working with you to advance this legislation.

Sincerely,

SUE A. NELSON,
Vice President Federal Advocacy.

Mr. BINGAMAN. Mr. President, I will read parts of this letter so people can understand the case that is being made.

The American Heart Association letter directed to me, signed by Sue Nelson, Vice President for Federal Advocacy, says:

Overweight and obesity, especially among children, have merged as serious threats to our Nation's health. Today, about 16 percent of all children and teens in the United States are overweight. Obesity is the major risk factor for coronary heart disease which can lead to heart attack. Obesity can induce diabetes which makes the danger of heart attack especially high. Recent research suggests that obesity shortens the average lifespan by at least 4 to 9 months, and if childhood obesity continues to increase it could cut 2 to 5 years from the average lifespan. It could cause our current generation of children to be the first in American history to live shorter lives than their parents. Besides its toll on health, obesity contributes significantly to rising health care costs.

The World Bank has estimated that the cost of obesity is 12 percent of this country's overall health care budget.

The problem is we don't seem to be willing to connect the dots. We don't seem to be willing to say if we spent a little more on something like nutrition education, maybe we would not have to spend 12 percent of our health care budget to deal with the problem of obesity. That is the simple reality.

All I am saying is, let's begin to connect the dots and put a reasonable amount of funding into the effort to provide instruction to children in our schools about how to eat a decent diet and maintain a decent body weight. That is the entire purpose of the amendment.

We used to appropriate more money for nutrition education than we do today. Unfortunately, the last 3 years we have fallen into an automatic \$10 million a year. That means no new States can participate in the program. It means no new students can get the benefit of this instruction. To my mind that is not an acceptable circumstance, particularly with this change in the lifestyle of Americans which we see all around us.

We need to provide good information to our young people so they can grow up and lead healthy productive lives. We are not doing that today. When you look around other parts of the Federal budget and say, well, okay, maybe the Department of Agriculture is not providing help with this, but maybe the Department of Education is. They are not. This is the only effort being made by the Federal Government to assist.

We have a lot of lofty statements being made by the administration. I

welcome those statements. We need to follow through with some reality in addition to the statements. The administration has launched an initiative. It refers to this initiative as the Healthier United States School Challenge, and it focuses on helping children to live longer, better, and healthier lives.

Our former Secretary of Agriculture Ann Veneman and the U.S. Department of Agriculture announced in July that the school challenge builds upon the team nutrition program and recognizes schools that have obtained nutrition and physical activity standards. So we are announcing initiatives and calling them the Healthier United States School Challenge, but we are not willing to put in funds to allow the programs to be available to most children in this country. To my mind, that is not a responsible course. We can do better.

I offered an amendment similar to this 2 years ago in the Senate when the Agriculture appropriations bill came up. At that time I was told, no, there is no money; we cannot afford to do this. I withdrew the amendment at that time and I was encouraged because both the managers of the bill advised they would try to find additional funds. They were not able to do that. I am sure in good faith they tried. They were not able to do that. Accordingly, we are still at \$10 million.

I don't know of any other way to get this issue dealt with other than to ask the Senate to please vote on this. Please support my amendment and Senator LUGAR's amendment and increase this funding. The offset we have chosen is one that is called CCE, common computer environment. It is a \$128 million item in the budget for improving the coordination of the computing in the various parts of the Department of Agriculture. I am sure it is a worthy purpose, but I would be willing to see that reduced by \$10 million so we could put that \$10 million into child nutrition education. That is the purpose of that amendment.

I hope my colleagues will support it. At this time I have used my 10 minutes and I will go ahead and yield the floor and have a chance to explain it very briefly before the actual vote occurs.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, there is no question but that an education program to try to get our young people to eat better makes sense. There is no question that we should do what we can to deal with the challenge of obesity.

Now let us look at a few realities with which we are faced. The President requested \$10.25 million for the program. The amendment offered by Senator BINGAMAN and Senator LUGAR would virtually double that amount. There is no other program we are dealing with where the request is to double the funds. We have people who are requesting incremental increases of 5

percent and 10 percent, but quite frankly we have resisted.

The total number of earmarks and requests that have come in since the committee acted is over \$50 million. We have stood firm against all of them and said we are sorry, the money isn't there. We feel we have to stand firm against it. So this \$10 million would double the program as it currently exists and would be 20 percent of the total amount we on the subcommittee have said we cannot fund.

The offset is very interesting. It is the common computer environment. It always seems easy to say, well, we can get by, by delaying activity with the computers. Let's cut the computers because education is more important.

During the debate we have had today, we have heard complaints from people about interoperability, about inability to communicate in the time of emergency. Katrina has exposed problems with computers. If we were to cut the computer program as drastically as this would cut it, we run the risk of closing county offices. We run the risk of stopping the modernization of services right at a time when complaints are coming in about how antiquated those services are.

But interestingly, as the \$50 million requests have come in, almost all of them, when we told them you have to have an offset, say let's cut the computers. If indeed we responded to every one of the requests for additional spending, we would have cut the computers \$50 million.

I don't want to cut the computers at all. I accept the arguments that say we have challenges with communication in the Department; we need to have as modern a communication system as we possibly can. The common computer environment that is trying to create that interoperability should be encouraged and maintained.

For that reason, as fond as I am of the Senator from New Mexico and the Senator from Indiana, I have to oppose this amendment. I will ask my colleagues, when the time comes for the rollcall vote, to oppose it. There will be another bill next year. We will see where we are next year with overall spending. We will see where we are with respect to emergencies and how the Department of Agriculture is dealing with those emergencies.

I am convinced when we come to that, as we sift through all the damage that is done by Katrina and perhaps by Rita and other challenges, we would like to have as powerful and as modern a computer system to deal with communications as we possibly can.

For those reasons, the doubling of a program at a time of budget constraints that we find ourselves in, and taking the offset from a program where we feel we need to be as modern as we possibly can, gives me two reasons to say that I would be opposed to this amendment.

I still have an additional 5 minutes and I frankly have said all I need to

say. I yield back the remainder of my time. If the Senator from New Mexico wishes to claim it, I am happy to have him use it; otherwise, we can go into a quorum call until such time as the vote starts at 7 o'clock, unless there are other Senators who wish to speak.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I will speak for another couple of minutes.

I ask unanimous consent to add Senator MURKOWSKI and Senator COBURN as cosponsors of this amendment.

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

Mr. BINGAMAN. Mr. President, let me make one point. This is requesting that we double the size of this program, but at the current time, we are spending 21 cents per child per year on nutrition education out of the Federal Government. This is suggesting we might want to spend up to 42 cents per child per year.

I remember when I offered this amendment 2 years ago, Senator BYRD said we ought to at least provide as much per child as it costs to buy a candy bar. I thought that was pretty good insight.

I see my colleague from Oklahoma, Senator COBURN, wishes to speak briefly.

Mr. COBURN. I thank the Senator for his amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is an area I am all too familiar with. If we are going to solve the health care crisis in America, it starts with prevention. In the year 2070, one out of every \$2 of Medicare we spend will be for diabetes. Fifty percent of the diabetes that will occur in the future can be prevented by good nutrition education in the early years, not only of the children but of the parents.

This is a fantastic amendment. I told the Senator from New Mexico I wished I had thought of it. For every \$1 we spend on prevention, we get \$17 back. For every \$1 we spend on computers, we probably get \$2 or \$3 back. It comes back to the questions of priorities.

This is a great idea. I understand the resistance to not cut anything in a bill that comes to the floor from a Committee on Appropriations. I understand that. But I think of all the amendments I have heard, including mine, other than sunshine, this is the best I have heard because it will have the greatest impact. We get the most value for the dollars we spend. That is what we should be about. I heartily support the amendment and I hope the Senate will too.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, we have had previous conversations about the effectiveness of the Agriculture Department. We are talking about our own backgrounds. I have a little bit of

background in advertising. I would be anxious before we spend this money to do a little analysis of how effective the advertising has been.

You talk about instruction in schools. We all know that there are instructions that work and there are instructions that don't. My own experience is that the Government is not very good at advertising healthy lifestyle changes. We could have been spending—I have no idea. We have not researched this at all. I have no idea where the evidence might be. We could have been spending the 21 cents per pupil and wasting every bit of it in terms of results.

I have something of a background in advertising and I know how much advertising budgets get wasted simply because the advertising campaign is not effectively carried out.

I recommend to my colleagues we defeat this amendment and if, indeed, the Senator from Oklahoma and the Senator from New Mexico can examine this from their background and demonstrate we are getting a 17-to-1 return from this particular program, that we are getting a 17-to-1 return from the kind of instruction going on in classrooms, then I would be happy to endorse this at some future time.

In terms of what has been the result of the \$10 million we have been spending, how certain will we be that doubling that is going to, in fact, increase health among our children? It may well be that a GAO study would say the \$10 million has been spent on training materials that have been ineffective and produced no result whatever.

In effect, we are being asked to buy something of a pig in a poke without understanding exactly how it works. I hope we would stay with the committee allocation here. The issue is a very legitimate issue. I, for one, will be more than willing in the hearings to ask the Department to give us a demonstration of how effective this has been.

If it can be demonstrated that it has, in fact, reduced obesity and has had some impact on diabetes, at that point I would be all for doubling it or tripling it because of the 17-to-1 figure the Senator from Oklahoma cites. But lacking that information, in this particular situation I would be loathe to proceed.

The PRESIDING OFFICER. All time has expired.

VOTE ON AMENDMENT NO. 1775

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the Coburn amendment No. 1775. The yeas and nays have been 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 New Mexico (Mr. DOMENICI) and the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr.

INOUE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessary absent.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 39, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—55

Akaka	DeMint	Nelson (FL)
Alexander	Dodd	Nelson (NE)
Allen	Ensign	Obama
Bayh	Feingold	Roberts
Biden	Feinstein	Salazar
Bingaman	Graham	Santorum
Boxer	Inhofe	Schumer
Brownback	Isakson	Sessions
Burns	Kerry	Snowe
Burr	Kohl	Specter
Cantwell	Kyl	Stabenow
Chafee	Landrieu	Sununu
Clinton	Levin	Talent
Coburn	Lieberman	Thomas
Collins	Lugar	Voinovich
Cornyn	Martinez	Warner
Craig	McCain	Wyden
Crapo	McConnell	
Dayton	Murkowski	

NAYS—39

Allard	Dorgan	Leahy
Baucus	Durbin	Lincoln
Bennett	Frist	Lott
Bond	Grassley	Murray
Bunning	Gregg	Pryor
Byrd	Hagel	Reed
Carper	Harkin	Reid
Chambliss	Hatch	Sarbanes
Cochran	Hutchison	Shelby
Coleman	Jeffords	Smith
Conrad	Johnson	Stevens
DeWine	Kennedy	Thune
Dole	Lautenberg	Vitter

NOT VOTING—6

Corzine	Enzi	Mikulski
Domenici	Inouye	Rockefeller

The amendment (No. 1775) was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I have a unanimous consent request in which all Senators, I believe, will be interested.

Mr. President, I ask unanimous consent that after the next vote, there be no other rollcall votes until 9:30 tomorrow morning, with the understanding that all amendments will be offered tonight, all debate will take place tonight, and all votes that occur tomorrow will be stacked to be followed by final passage.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. That means, Mr. President, that there will be no more votes tonight, and amendments that require rollcall votes will be voted on in the morning, and that we will go to final passage immediately at 9:30 tomorrow after disposing of any rollcall votes. We have several amendments pending which we hope we can deal with by voice votes tonight, and I hope that we will not have any more rollcall votes and can go immediately to final passage.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I certainly understand the chairman's sen-

timents, but I ask the chairman of the Senate Judiciary Committee what the impact of this schedule will be on our hearing tomorrow.

Mr. SPECTER. Mr. President, the answer to that is, we will work around it. We will proceed, and we will get the nominee voted out of committee. We can accommodate it. That is the answer.

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

AMENDMENT NO. 1797

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided on the amendment offered by the Senator from New Mexico. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, this amendment is being offered by myself, Senator LUGAR, Senator MURKOWSKI, and Senator COBURN. The amendment would add \$10 million for child nutrition to the program that already exists in the Department of Agriculture called Team Nutrition. This is the only significant Federal effort we have to assist with nutritional education in our schools.

Today, it is drastically underfunded. This would allow us to add \$10 million. Instead of spending 21 cents per child per year in this country on nutritional education from the Federal Government, we would be spending 42 cents.

This is an amendment that I think all Members should support. Clearly, this is needed to deal with the problem of childhood obesity that is becoming an epidemic in our society.

I hope my colleagues will all support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, the President's request for this program was \$10 million. This amendment doubles it and takes the money away from computers at a time when the Department is doing its very best to increase its interoperability and raise its level of technological ability. I do not think doubling a program that has not been evaluated for its effectiveness is the right thing to do in this time of heavy budget pressure.

I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1797. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. INOUE), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—66

Akaka	Dorgan	Murray
Alexander	Durbin	Nelson (FL)
Baucus	Ensign	Nelson (NE)
Bayh	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Boxer	Harkin	Reid
Byrd	Hutchison	Salazar
Cantwell	Jeffords	Santorum
Carper	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Clinton	Kerry	Sessions
Coburn	Kohl	Shelby
Coleman	Landrieu	Smith
Collins	Lautenberg	Snowe
Conrad	Leahy	Specter
Craig	Levin	Stabenow
Dayton	Lieberman	Sununu
DeMint	Lincoln	Talent
DeWine	Lugar	Thune
Dodd	McConnell	Warner
Dole	Murkowski	Wyden

NAYS—29

Allard	Cornyn	Kyl
Allen	Crapo	Lott
Bennett	Enzi	Martinez
Bond	Frist	McCain
Brownback	Graham	Roberts
Bunning	Gregg	Stevens
Burns	Hagel	Thomas
Burr	Hatch	Vitter
Chambliss	Inhofe	Voinovich
Cochran	Isakson	

NOT VOTING—5

Corzine	Inouye	Rockefeller
Domenici	Mikulski	

The amendment (No. 1797) was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I call up amendment No. 1835.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 1835.

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

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

The amendment is as follows:

(Purpose: To limit the use of certain funds)

On page 160, line 10, before the period at the end insert the following: “or for reimbursement of administrative costs under section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) to a State agency for which more than 10 percent of the costs (other than costs for issuance of benefits or nutrition education) are obtained under contract”.

Mr. HARKIN. Mr. President, first, I want to commend Senator BENNETT and Senator KOHL for their work on the bill that is before us today, the Agriculture appropriations bill. They worked hard to put together a good bipartisan bill and overall I find no fault with it. I think it is a great bill and it will have my support. I thank both Senator BENNETT and Senator KOHL and their respective staffs for working with me and with my staff on a number of issues that are in the Agriculture appropriations bill.

I want to draw the attention of Senators to page 160 of the bill, section 746:

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.

Well, what does all that say? What it says basically is that the Department of Agriculture cannot engage in any contracting out to private contractors applications processes for anyone coming in to get any assistance under rural development or farm loan programs. In other words, those have to be carried out by public employees, employees who are publicly hired, and that any activity relating to that must go through those employees.

It says basically it has to be that way until we in the Agriculture Committee on the Senate and the House authorize the Department of Agriculture to specifically engage in such contracting activity.

Do I support section 746? Yes, I think it is a good addition to the bill. I do not think the Secretary or the Department ought to be going out and contracting out to private entities these kinds of activities until we have had a chance to look at it, until the authorizing committees of the Senate and the House have hearings, take into consideration what is involved, and either grant that to the Secretary of Agriculture or not grant it.

So I think section 746 is basically a sound approach that recognizes both the value of the public sector and public employees, and recognizes the jurisdiction of the Agriculture Committees. However, there is something missing from section 746. I believe this same logic should apply to other USDA programs. In particular, I believe we need to protect vital services and benefits offered through the Food Stamp Program.

The amendment I am offering would apply the same protection that 746 applies to farm loan and rural development functions to the Food Stamp Program as well. In other words, my amendment basically says if you want to contract out to private contractors elements of the Food Stamp Program that have to do with application processes, you cannot do it until it is specifically authorized by Congress—just as the underlying bill requires for rural development or farm loan programs.

My amendment is basically an extension of the logic of the underlying bill. It is not a departure from it. It is not a major policy change. It simply says the Food Stamp Program, like rural development and farm loan programs, is a vital public service program. It is not broken, it is working well. If you want to make some changes, why don't you come to Congress. We will have some hearings, and we will see if it needs to be fixed.

I have been on the Agriculture Committee now for 30 years. That is right,

this is my 30th year, now that I think about it: 10 in the House and 20 in the Senate. We have been through a lot in the Food Stamp Program in 30 years. We have always made changes to it to meet changing times and circumstances. I was one of those who was in the lead on getting rid of food stamps and getting it to an electronic benefit transfer program, where you have a debit program. It has worked well.

However, in all of those cases we in the Congress decided on the changes that should be made to the underlying program, not just the Secretary of Agriculture. As I said, this program is not broken. In fact, recent events have highlighted the value of the Food Stamp Program and the need to protect it from changes that could undermine it.

Amidst the devastation wrought by Hurricane Katrina, the Food Stamp Program has nobly and efficiently served those in need.

There has been a lot of criticism of the Federal Government's response to Katrina, but I have heard no criticism of the Food Stamp Program. In many places hit by Katrina, the Disaster Food Stamp Program was one of the first responders. We often think of first responders as being firefighters and policemen, emergency services personnel. That is true, they are. But in this case, first responders were also those public employees who helped those most in need get the food they needed for themselves and their families.

In Louisiana, nearly 300,000 households are already receiving food stamps and have been for the last couple of weeks since the hurricane hit. In Texas, another 125,000 households are receiving emergency food stamp assistance. Overall, approximately 1 million individuals affected or displaced by Hurricane Katrina are receiving emergency food stamp benefits.

The USDA was able to respond quickly and set up these programs efficiently, in large part because the programs were run by State agencies in consultation with the Federal Government. That was their purpose. That was their reason for being.

Why do we want to allow the Food Stamp Program to be privatized and put out to private contractors? Usually you do that if there is a problem, if something is failing to meet the needs of people. I defy anyone in this Senate to come up and show me or show anyone where the Food Stamp Program is failing to meet the needs of the people it serves, or is not being run efficiently.

When the next disaster occurs, do we want an outside contractor responsible for running the Disaster Food Stamp Program? Do we in the Senate want to open up the program to the risks associated with food stamp privatization in general? We can ill-afford to put the Food Stamp Program and the millions who benefit from it at this kind of risk.

What do I mean by risk? What is at the bottom of this? We know there has

been a State that is currently seeking permission from the Department of Agriculture to privatize food stamps. Here is what they want to do. They want to close a number of food stamp offices where a person goes to meet face to face with someone to determine eligibility and get their approval for food stamps. They want to close about 100 of those and open up three call centers. If you want to apply for food stamps, they tell me you are going to have to call on the phone. Or you can go online, as if people who apply for food stamps are sitting at home at their computers.

Let's take the case of these call centers. I have no reason to believe that it couldn't work like this. Imagine, here are people desperately in need of food stamps. They get a number to call—probably an 800 number or something like that, probably toll free, I assume. They call up. A voice answers, an automated voice answering system answers and says: I understand because you are calling you probably want to apply for food stamps. If you want to apply for food stamps and you live in this area, punch 1; if you live in this area, punch 2; if you live in this area, punch 3. You get all the way through and you are pretty confused about where you live.

Let's say you figure it out and you say I am in this area and you punch 3. Then another voice comes on and says: OK, we understand you live in this area and you want to apply for food stamps. If you are a single person, punch 1; if there are two of you, punch 2; if you have a family of three, punch 3. You see what I am saying? Then you have to punch in another entry.

Another automated voice comes on and says the next step in this process: If you are over a certain age, press this number; if you are under a certain age, press this number; if you have ever applied for food stamps—do you see what I am getting at? You have a person on the phone who wants to apply for food stamps and they are sitting there trying to figure out, punch 3 for this, punch 4 for that.

Finally, after they get through all of these automated voice prompts they are probably told: Thank you, your waiting time to talk to the next operator is now 19 minutes. And you have to sit there and listen to music. If you are patient enough to wait that long, you are probably going to get someone on the line you will talk to. For all I know, by the time you actually get to them, the person on the other line may not even be in the United States. That is what this is all about.

There are some companies that want to do this. They probably figured out they can make a lot of money. They hire someone in another country for, I don't know, 50 cents an hour.

Again, the underlying bill says you cannot do that if you are a utility company and you want to apply for a rural development loan. They don't make you go through call centers. They have someone there you go see.

If you are a farmer, if you have a farm, you have assets, you own something, and you want to apply for a farm loan, you don't have to go through a call center. You go see someone. But by allowing wholesale privatization of the Food Stamp Program, we would not be providing to low-income Americans the same basic treatment. Poor people have to go through call centers and get all the runaround that we always get when we try to call and get someone in one of those call centers.

That is why section 746 needs to be amended. That is why it needs this addition, so that the Food Stamp Program is treated the same as farm loans or rural development. If they want to change it, have them come up to Congress. We will have hearings. We will take a look at it. Maybe they can make a good case. I don't know. But I am just concerned if we do not add this amendment, that waivers will be given that will allow contracting out the food stamp operations.

Furthermore, this may undo a lot of the progress we have made in improving program integrity. Right now, program error in the Food Stamp Program is the lowest than at any time in its existence. Why do you want to change it? If something is working, why try to fix it? Why would we choose to put these successes at risk by now turning it over to untested entities and call centers?

Under the current food stamp law, public employees of State food stamp agencies are responsible for two essential oversight functions: Payment accuracy and an annual self-evaluation of program management. But if these functions are turned over to a private contractor with no experience in running the Food Stamp Program, how do we know if they will be able to maintain program accuracy? Should we just roll the dice and take it on faith that they will continue the error rate as low as we have it right now?

I want to make it clear, I am not opposed to privatization of certain things. I point out the electronic benefit transfer program under food stamps is privatized. It is all run by—I guess Citibank or someone, I don't know, I could be a little wrong on that. But that is fine. There is nothing wrong with turning to specialized contractors for technical services like financial operations. What I am talking about is when you apply for food stamps; when you are in need and you want to apply or you want to modify your food stamps because of another child born or some other thing, something else has happened to change your life. That is when you need to have someone there who can help you immediately in your situation and talk to you.

Anyway, as I said, my amendment would not stop that. It would not stop the private contracting out for EBT, but it certainly would for fundamental program functions like application and eligibility processes.

To repeat for emphasis sake, there is no evidence that we have any problems in the Food Stamp Program that requires privatization. The error rate is the lowest ever. The accuracy rate is high. Emergency food stamps for disaster situations have worked extremely well. So there is no evidence, nor have we had a hearing, to suggest that privatizing the Food Stamp Program would in any way improve program effectiveness. That is why we should have extensive hearings on this before allowing any waivers to be granted.

The Food Stamp Program is strong. Not only does it deliver much needed food assistance to 25 million Americans, but as we have just shown with Katrina, it is serving hundreds of thousands of families, over a million people devastated by that hurricane.

My amendment simply ensures that the Food Stamp Program remains as it is with those public employees best suited to carry it out. It extends the logic that is in Section 1746 of the underlying bill dealing with rural development farm and loan programs to the Food Stamp Program as well.

As I said, if they want to do something, they can come to the Agriculture Committee. We can have hearings and take into account some problems that somebody might feel would be cured by privatizing and setting up these call centers for food stamp applications.

I ask for support of the amendment, and I yield the floor.

MR. BENNETT. Mr. President, I ask that we proceed to a vote on the Harkin amendment by voice vote.

THE PRESIDING OFFICER. Is there further debate on amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1835) was agreed to.

MR. HARKIN. Mr. President, I move to reconsider the vote.

MR. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MR. HARKIN. Mr. President, I thank the chairman of the committee for his kindness and having this vote. Hopefully we can at least keep this in as we move ahead going to conference.

I thank the chairman for his kindness.

MR. BENNETT. Mr. President, I am unaware of any other Senator who is planning to offer any amendment. I don't want to cut anybody off, but I made it clear during the vote that all amendments have to be offered tonight and all debate take place tonight. We are scheduled for the vote tomorrow morning. My understanding is that the Dayton amendment is still pending, and, therefore, if it can't be disposed of tonight, it would be available for tomorrow morning. The Jeffords amendment is still pending, and if that cannot be resolved tonight, that would be voted on tomorrow morning. Those are

the only two I am aware of at the present time.

I will suggest the absence of a quorum so we can check the list and see who else might be out there. But I would say to any who are monitoring our procedures on behalf of their respective Senators that the time for offering amendments is getting mighty short. We don't want to deny any Senator his or her rights, but I feel we have given fair warning this is what we will do.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I call up amendment No. 1818, which is at the desk, on behalf of Senator DODD.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL] for Mr. DODD, for himself, Mr. HARKIN, Mr. REED, Mr. CARPER, Mr. BIDEN, and Mr. LIEBERMAN, proposes an amendment numbered 1818.

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

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

The amendment is as follows:

(Purpose: To require the Food and Drug Administration to issue a monograph with respect to over-the-counter sunscreen)

On page 173, after line 24, insert the following:

SEC. 7. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) Not later than one year after the date of enactment of this Act, the FDA shall issue a comprehensive final monograph for over-the-counter sunscreen products, which shall include UVA and UVB labeling requirements.

AMENDMENT NO. 1849 TO AMENDMENT NO. 1818

Mr. KOHL. Mr. President, I send an amendment to the desk in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for Mr. DODD, proposes an amendment numbered 1849 to amendment No. 1818.

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

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

The amendment is as follows:

(Purpose: To express the sense of Congress with respect to over-the-counter sunscreen)

In lieu of the matter proposed to be inserted, insert the following:

SEC. 7. (a) Congress makes the following findings:

(1) Consumers need clear and consistent information about the risks associated with exposure to the sun, and the protection offered by over-the-counter sunscreen products.

(2) The Food and Drug Administration (referred to in this section as the "FDA") began developing a monograph for over-the-counter sunscreen products in 1978.

(3) In 2002, after 23 years, the FDA issued the final monograph for such sunscreen products.

(4) One of the most critical aspects of sunscreen is how to measure protection against UVA rays, which cause skin cancer.

(5) The final sunscreen monograph failed to address this critical aspect and, accordingly, the monograph was stayed shortly after being issued until issuance of a comprehensive monograph.

(6) Skin cancer rates continue to rise, especially in younger adults and women.

(7) Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r), a Federal rule on sunscreen labeling would preempt any related State labeling requirements.

(8) The absence of a Federal rule could lead to a patchwork of State labeling requirements that would be confusing to consumers and unnecessarily burdensome to manufacturers.

(b) It is the sense of Congress that the FDA should, not later than one year after the date of enactment of this Act, issue a comprehensive final monograph for over-the-counter sunscreen products, including UVA and UVB labeling requirements, in order to provide consumers with all the necessary information regarding the dangers of skin cancer and the importance of wearing sunscreen.

Mr. KOHL. Mr. President, I urge adoption of the modification and adoption of the amendment as modified.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment. The amendment (No. 1849) was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 1818), as amended, was agreed to.

Mr. KOHL. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KOHL. Mr. President, I thank you.

Mr. BENNETT. Mr. President, no one has come forward, so we are prepared to close down with the two amendments still unresolved, Dayton and Jeffords, and then move to final passage after those two are resolved for a voice vote or yeas and nays, I assume which will be determined tomorrow. At the moment, the yeas and nays have not been ordered. I want to respect the rights of both of those Senators.

While we get together whatever final activity needs to go forward, I 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. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

MOLOKAI AGRICULTURE DEVELOPMENT

Mr. INOUYE. Would the distinguished Senators from Utah and Wisconsin yield? I would like to discuss with you a program that addresses the very limited employment and high barriers to entry into sustainable agricultural enterprises on the Island of Molokai.

Mr. BENNETT. I would be pleased to yield to the senior Senator from Hawaii.

Mr. KOHL. I, too, would also like to join in on the discussion of this matter.

Mr. INOUYE. I thank my distinguished colleagues for yielding. In fiscal year 2005 and prior fiscal years, the subcommittee has included \$250,000 for a program that provides training, business coaching, and cost share assistance to new agricultural businesses on the Island of Molokai, that have the promise of being sustainable and beneficial to this predominantly Native Hawaiian community. In 2004, the program allowed past grantees who had demonstrated success in their businesses to apply for expansion and enhancement funding. As a result, eight businesses were able to strengthen their operations through diversification, value added treatment, and improved marketing. As a result of the program, increased quantities and percentages of local produce and value added products are available in Molokai's grocery stores, farmers markets and other venues. In addition, the marketing of sweet potatoes and papayas has continued to expand to the Island of Maui and on the mainland. In the coming year, the emphasis will be on first-time farm businesses. Mini start-up grants will be instituted to prepare new applicants for possible

projects in the future. While this program is showing success in an economically depressed part of my State, the need for this program continues.

Despite the support by the Congress, no funds are provided for the program in fiscal year 2006. Accordingly, efforts to assist first-time farm businesses and to provide assistance and employment opportunities to the Island of Molokai will not continue without the continued support of the Congress and funding for the program. Would my colleagues consider including such support for the program during conference deliberations on the Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill?

Mr. BENNETT. I would like to assure the Senator from Hawaii that I will work with Senator KOHL to ensure that this program will be considered in conference.

Mr. KOHL. I concur with my colleague from Utah, and will also work with him to have this program addressed in conference.

Mr. INOUYE. I thank my colleagues for their consideration and support of the Molokai Agriculture Development program.

POSITION TRANSFER

Mrs. MURRAY. Mr. President, I ask to be recognized for the purposes of a colloquy.

Senator KOHL, the legume plant pathologist position currently working in the CRIS titled "Improving Disease Management of Soil-borne Diseases of Edible Legumes" is being eliminated in a reorganization proposed by USDA ARS.

Root diseases are fast becoming a major problem in all of the production areas. These root diseases cause a loss of yields and quality of pulse crops.

A reduction of research support by USDA ARS at this time of rapidly increasing acreages of pulses in ND, MT, SD and NE is unacceptable. Eliminating this research could substantially hurt the entire pulse crop industry.

Within the fiscal year 2006 Agriculture appropriations, there is funding provided for a legume pathologist focused on root diseases. Due to the reorganization of the ARS Prosser facility, this pathologist will not be funded unless that position is moved to the ARS Pullman facility. The need for this project is clear and should be supported by ARS. In order to continue this vital research it is clear that it will need to be moved to ARS Pullman.

I ask that the conference report accompanying the Agriculture bill include language directing ARS to transfer the legume pathologist position and the \$250,000 from the Vegetable and Forage Legume Research Unit at Prosser, WA, to the Grain Legume Genetics and Physiology Research Unit at Pullman, WA. This requires no new funding, as it will solely involve the transfer of the legume pathologist from Prosser to Pullman.

This will allow ARS to continue its research on pulse crops at no additional costs.

Senator KOHL, would you support this language moving the legume pathologist position from Prosser, WA, to Pullman, WA?

Mr. KOHL. Yes, Senator MURRAY. Thank you for bringing this issue to my attention. I will work with my colleagues in conference to support your request and include language in the final report.

Mr. BENNETT. I concur with my colleague's views on the need to move this ARS position to Pullman, WA, from Prosser, WA, and will work with Senator KOHL in conference to have language included in the final report.

Mrs. MURRAY. Thank you, Senator KOHL, and thank you, Mr. Chairman, for your support on this issue. This project is critical to the long-term health and viability of dry pea and lentil producers in Washington State and all across the country.

CITRUS CANKER COMPENSATION

Mr. MARTINEZ. Mr. President, I rise today to discuss the serious problem of a disease that threatens to wipe out the citrus industry of Florida. I sincerely appreciate the great efforts made thus far by Chairman BENNETT, the Senate Agriculture Appropriations Subcommittee, and their staff to work to address the on-going eradication efforts in Florida. Under the FY 2006 Agriculture appropriations bill, \$40,000,000 has been directed towards the Animal and Plant Health Inspection Service to assist citrus producers in combating this terrible bacterium.

Citrus canker is a bacterial disease characterized by the lesions it leaves on citrus trees and fruit that leaves trees weakened and results in reduced fruit production.

The four hurricanes that hit Florida in 2004 caused significant spread of citrus canker into commercial growing areas. The 2004 hurricane season in Florida not only damaged citrus crops and trees, it was a primary cause of the spread of citrus canker beyond what was generally believed to be reaching a goal of eradication. The storms created an additional need for compensation to support the continuing eradication effort.

Compensation for citrus producers is a vital component of the program as many commercial growers would not allow their trees to be cut without the promise of compensation. There is no cure for canker. The only known way to contain the spread of citrus canker is to cut down infected and exposed trees in a 1,900 square foot area. In a commercial grove, that radius can encompass up to 250 acres around a single infected tree. That's why the post-hurricanes outbreak has led to the destruction of nearly 55,000 acres.

USDA has estimated that the 2002-2005 citrus crop will yield 151 million boxes of oranges, down from their 225 million box estimate earlier in 2004. This year's decrease of 94 million boxes

represents a staggering decrease of 38 percent.

Before the 2004 hurricane season, the U.S. Department of Agriculture had compensated commercial growers an average \$7,600 an acre for destroying their property. According to my growers in Florida and the Florida Department of Citrus, the backlog of unpaid compensation has grown to nearly \$450 million. It is my hope that during the conference negotiations process with the House Agriculture Appropriations Subcommittee that citrus canker compensation funding will be addressed at an appropriate level on behalf of growers that abide by the USDA canker eradication program.

Mr. BENNETT. I thank Senator MARTINEZ, for sharing his concerns on this important issue. It is my understanding that the House has appropriated \$10 million for citrus canker compensation payments and we are aware of the impact that this disease has on the citrus industry in his State. We are committed to working with his office to help provide funding for his growers that have worked with USDA to help eradicate this destructive bacteria.

Mr. MARTINEZ. I thank the chairman. I appreciate his support and look forward to working with him as well as the appropriations process moves forward.

SPECIALTY CROPS

Mr. BENNETT. Mr. President, throughout this entire process, both at subcommittee and at full committee level, Senator FEINSTEIN and Senator CRAIG have expressed great interest and concern about specialty crops, and they have asked us to take action with respect to specialty crops. We have been unable to find room in our allocation to deal with it. However, we recognize that the House has an allocation for specialty crops, and for that reason we believe we will be able to find a solution to this issue in conference.

The 2 Senators have been very cooperative and helpful. I want to make everyone understand that as we have worked our way through this they have been in no way less than enthusiastic about supporting the issue of specialty crops. If we get the problem solved in conference, as I am hopeful we can, and as I have commented to them that I will work to do, it will be in large measure because of the tenacity and leadership of Senator FEINSTEIN and Senator CRAIG. We appreciate their calling our attention to this particular issue.

Also, Senator DEWINE and Senator STABENOW have a problem which we have indicated we will do our best to deal with in conference. We understand the importance of the issue they have raised.

With that, I want to once again pay tribute to the ranking member, Senator KOHL, and to his staff as we have gone through this process. Both the