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No. 120

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Joseph Breen of Saint Edward's Catholic Church in Nashville, TN.

PRAYER

The guest Chaplain offered the following prayer:

As we gather this morning in this solemn hall of the Senate, considered by those who formed the Constitution to be the great "anchor" of the Government, let us call upon God, sovereign Lord of our Nation, to deepen our hearts and our minds to the truth about life, its dignity, and its reflection of the Eternal God. Help us to appreciate the truth that life is always good and that every life is of equal dignity.

We are thankful for the eyes we have to see, hearts to understand, the depth to think, and the concern to care. As we take life one day at a time, we ask for guidance and strength. We do not have yesterday or tomorrow, only today. Help us to remember the problems we encounter are but opportunities that are put before us to use creative energies, making a better world for everyone.

Lord, thank You for giving me this opportunity to express the love and the gratitude of the people of our great Nation to our lawmakers who so willingly have given themselves to public service.

Bless our Senators now and always. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 22, 2005.
To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2744, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2744) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Dayton modified amendment No. 1844, to condition the use of funds for carrying out a provision relating to prevented planting payments, with an offset.

Bingaman (for Jeffords) amendment No. 1796, to provide funds to carry out the historic barn preservation program, with an offset.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a vote in relation to the Dayton amendment, No. 1844.

The Senator from Utah.

Mr. BENNETT. Mr. President, I see Senator DAYTON is here. The yeas and nays have not been ordered. There have been discussions during the evening about this amendment. I wonder whether the Senator wants the yeas and nays. I would say the Jeffords amendment, which under the previous order is the next pending business, will be withdrawn.

AMENDMENT NO. 1796 WITHDRAWN

I ask unanimous consent that it be withdrawn, after conferring with Senator JEFFORDS and his staff.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1844, AS MODIFIED

Mr. BENNETT. We are now on the Dayton amendment.

The ACTING PRESIDENT pro tempore. The vote occurs in relation to the Dayton amendment, No. 1844, as modified.

Mr. DAYTON. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 47, nays 52, as follows:

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S10327

[Rollcall Vote No. 240 Leg.]

YEAS—47

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Grassley	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Jeffords	Pryor
Byrd	Johnson	Reed
Cantwell	Kennedy	Reid
Carper	Kerry	Rockefeller
Clinton	Kohl	Salazar
Coleman	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
Dodd	Levin	Thune
Dorgan	Lieberman	Wyden
Durbin	Lincoln	

NAYS—52

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Domenici	Roberts
Bennett	Ensign	Santorum
Bond	Enzi	Sessions
Brownback	Frist	Shelby
Bunning	Graham	Smith
Burns	Gregg	Snowe
Burr	Hagel	Specter
Chafee	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Talent
Cochran	Isakson	Thomas
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—1

Corzine

The amendment (No. 1844), as modified, was rejected.

Mr. BENNETT. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FARMERS MARKET PROMOTION PROGRAM

Mr. HARKIN. Madam President, I would like to take a moment and comment about an important program that I worked to include in the 2002 farm bill. I wish to engage Chairman BENNETT, manager of the fiscal year 2006 Agriculture appropriations bill, in a colloquy regarding the Farmers Market Promotion Program.

The House of Representatives has already passed its Agriculture appropriations bill, which includes \$1 million in funding for the Farmers Market Promotion Program. As the Senate wraps up its work on the pending bill and looks ahead to conference, I would like to request that the chairman do all he can in those negotiations to secure full funding for this important program.

Authorized in section 10605 of the 2002 farm bill, the Farmers Market Promotion Program would provide critical Federal grant dollars to local governments, chambers of commerce, farmers market alliances, coops, and economic development organizations to support the expansion, development and maintenance of farmers markets and other direct marketing opportunities. An initial investment of \$1 million will help to get this program up and running, bringing critical resources to communities nationwide.

I make this request of the chairman understanding the budget pressures and competing interests within this bill. I would like to say at this time,

however, this \$1 million would be very well spent. Consumers are demanding locally grown farm raised agricultural products and producers want to meet this demand. In my State and across the Nation exciting things are happening in the area of new markets for agricultural products, but many communities lack the needed seed money to get off the ground.

Mr. BENNETT. The Senator from Iowa and ranking member of the Senate Committee on Agriculture, Nutrition and Forestry, as well as member of the subcommittee of jurisdiction over this bill, raises some important points about funding in the bill. I will work with Senator HARKIN in conference to address this issue.

Mr. HARKIN. I am grateful to the Chair and thank him again for his skillful work at crafting a bill that can be supported by the full Senate.

Mr. DEWINE. Madam President, I thank Chairman COCHRAN for taking the time to have this very serious discussion with me about a life saving proposal that I believe needs to become part of this bill before it is passed into law.

The proposal, originally suggested by President Bush, would allow a small percentage of U.S. food aid dollars to be used to purchase food locally in the country or region of a food aid crisis until U.S. food aid can arrive. For example, if there is a food crisis in Ethiopia, the U.S. Government would be able to purchase food in neighboring countries, or even in other areas of Ethiopia where food is available, and use it to save lives until food shipped from the United States could arrive. On average, U.S. food aid takes over 4 months to arrive in countries in need, and during that gap period, people die—children die.

There is also another consideration that makes this proposal even more imperative. U.S. food aid is stored in Galveston, TX, and 60 percent of our food aid shipments exit through the Gulf of Mexico. Now, with Rita raging off the coast of Texas, several hundreds of millions of dollars of food aid are in the direct path of the storm.

Even if the food stores are not destroyed by this storm, the vessels that were intended to transport the food aid have been sent out to sea and rail companies are not picking up additional commodities. This means the U.S. food aid delivery system is in a state of arrest. If we do not provide a limited authority to purchase food locally until U.S. food aid can arrive in countries suffering from a food shortage crisis, kids will starve to death as they wait for help to arrive. We cannot in good conscience let that happen.

This is one of those rare times when we, as elected officials, have the opportunity to take a step that directly saves lives. Make no mistake about it—if we fail to give the U.S. Agency for International Development the flexibility to purchase food from local sources, our lack of action will prevent us from saving lives. Failing to act will cost the lives of thousands of suffering

men, women, and children. I trust that such a failure is simply not acceptable to my fellow Senators. It certainly is not acceptable to me.

Mr. COCHRAN. I thank the Senator from Ohio for bringing this issue to my attention and note his desire to provide funding for this new proposal to provide cash for in-country commodity purchasing. I want the Senator to know that I will work with him throughout the conference negotiations on this bill to address this issue.

FOOD ASSISTANCE PROGRAMS

Mr. BAUCUS. I rise today to express my deep concern with the state of our Nation's food assistance programs. In recent weeks our Nation has seen first hand the critical importance of food assistance programs in helping our fellow Americans in times of need. After Hurricane Katrina, with Hurricane Rita bearing down on the Texas coast, and with rising fuel costs, our ability to provide the resources needed by Americans need of food assistance is threatened. This is a critical problem one I have seen in the gulf States but also seen in Montana where many of my fellow Montanans rely on food assistance.

Mr. COCHRAN. I join my colleague from Montana in expressing concern over the condition of the Nation's food assistance programs. I too believe that participation in these nutrition programs may increase due to the recent hurricane. I look forward to working with the Senator to provide adequate funding to meet the demand for food assistance.

Mr. BAUCUS. I appreciate Chairman COCHRAN's understanding and concern. I have seen some of the devastation in the gulf and want to express my sympathy and pledge my support to help. Montanans have seen the devastation and like me, they have opened their arms and hearts to Gulf State evacuees. I hope that the chairman will join me in pledging his support for taking immediate action to help alleviate the critical needs faced by Americans in the gulf as well as citizens across the country regarding food assistance. The Senate should act, and act now to provide Americans relying on food assistance assurance that the resources they rely upon will be there when they need it.

Mr. KOHL. I join my distinguished colleagues from Mississippi and Montana. Providing emergency funds for the food assistance programs in this country is desperately required. Americans in the gulf, as well as my home State of Wisconsin, should be provided the food assistance that they need. Congress must act to address the essential needs of these Americans by ensuring that the Nation's food banks, emergency feeding and other food assistance organizations have the resources they require.

Mr. SALAZAR. Madam President, I rise to speak about the fiscal year 2006 Agriculture appropriations bill. I want

to begin by thanking Chairman BENNETT and Ranking Member KOHL for their hard work on this important bill. They were given a tough assignment—to meet the needs of our rural communities in the context of a very tough budget picture. They have done a good job.

I have several amendments to this bill, and I know we have reached an agreement on two of them. I thank my colleagues and their staffs, Galen Fountain and Fitz Elder for their help. I will discuss those amendments shortly.

I have spoken in this Chamber before about the forgotten America and, once again, I stand here today to speak about my concern that we are not doing everything we can on behalf of those farmers, ranchers and agri-businesses which continue to play a vital role in our Nation's rural communities.

I am concerned about these communities. Too often, Washington leaves those communities to wither on the vine.

The administration has proposed reductions in farm commodity programs, crop insurance, food assistance, rural development and conservation.

Just yesterday, the U.S. Department of Agriculture announced that Hurricane Katrina caused an estimated \$900 million in farm losses, however according to reports, this estimate did not include long-term infrastructure losses such as damaged barns, machinery, and fuel shortages.

The bill before us takes steps to send a message to rural America that we are not forgetting that vital part of our country.

It invests 3 percent more than the House-passed bill.

It adds back many of the important investments that the President proposed cutting in his budget earlier this year.

There are also important investments for Colorado. Specifically, Colorado State University in Fort Collins will receive \$1.9 million in important agriculture research programming.

Colorado will see nearly \$32 million in agricultural research and conservation projects, including \$15 million in investment to fight noxious weeds and funding for resource conservation and development councils.

I think we can do more, and we must do more, because it is not just Washington that forgets rural America. Consider this. Earlier today, I got on the World Wide Web and googled gas prices on Google News. Sixty-four pages came back with stories on the gas prices that are hurting this country.

But through tens of pages of stories, I did not see a single story on the impact of high gas on farmers and ranchers. I did see stories on: rising gas prices hurting commuters; rising gas prices hurting SUV drivers; rising gas prices hurting local governments; rising gas prices hurting lottery sales; rising gas prices hurting pizza delivery prices; rising gas prices hurting golf

travel plans; and rising gas prices hurting leaf watchers.

I have no doubt these high prices are hurting families in each of these situations.

But I also know that now, today, this week, in the height of harvest time, no one is hurt by gas prices more than farmers and ranchers.

Here is what I am hearing from my State. During harvest, agricultural producers are some of the largest fuel consumers in the U.S. and producers are facing enormous fuel costs. In Grand Junction, CO, diesel prices are as high as \$3.16.

I have heard from one Colorado farmer in Kit Carson County who has estimated that in order to harvest this year, he will need an additional \$46,000 to cover fuel costs alone.

I have also heard from another farmer in northeastern Colorado who, in order to cover the increasing price of fuel, has applied for additional loans at this bank only to be turned down because he is already overextended with existing loans.

That is why I am so pleased this bill now includes my amendment to require the Secretary of Agriculture to work with the Secretary of Energy to produce a comprehensive report on the impact of high gas prices on our farmers, ranchers and rural communities across the country. That data is the first step toward a comprehensive solution to helping these communities address these terrible prices.

I am also pleased the bill now includes my amendment to call the Secretary's attention to an issue that is plaguing Colorado and the West. I know that the chairman is acutely aware of this problem, and thank him and his staff for their support.

The Forest Service reports that during 2004, a total of 7 million trees covering over 1.5 million acres, were killed by several different types of bark beetles throughout the State of Colorado.

Severely impacted counties in my State include: Grand, Jackson, Routt, Summit, Eagle, Park, Chaffee, Pitkin, Saguache, Gunnison, Hinsdale, San Miguel, Ouray, Delta, Montrose, Mesa, and Garfield.

Awareness of the bark beetle infestation has grown with the increasing visual impact of the large stands of dead trees visible from I-70 and Colorado's resort communities.

These infestations will leave millions of acres of Colorado forests at risk of a catastrophic fire.

Regrettably, in the face of this challenge, the Secretary of Agriculture continues to underplay the importance of Forest Service funding. I am thankful that my colleagues on the Interior appropriations subcommittee have done what they can in this budget environment to increase funding to fight pine beetles.

But we can do better. Consider this: total USFS funding down 11 percent from last year; forest health management funding is flat; fiscal year 2006

wildland fire management appropriated additional \$25 million for forest health activities on Federal and State land, \$15 M and \$10 M, respectively).

That is why it is so important that we send this message to the Secretary today. He needs to help us be able to do more to fight this scourge. And this amendment today is the first step in that effort.

I will spend this upcoming weekend with my mother, on our family ranch in the San Luis Valley and will lend a helping hand to the potato harvest on the farm. The people of that valley—like the people of rural communities across this great country—may not get the chance to ever come to Washington to see the work we do. Nonetheless, I hope, that our work makes it to them, so that they can be assured that we have not forgotten them.

Mr. LEVIN. Madam President, earlier this month, the emerald ash borer was positively detected in the Upper Peninsula of my home State of Michigan for the first time. Officials believe that this may be an isolated outbreak, and hope that it can be successfully contained.

Unfortunately, this is an aggressive pest that we in Michigan have been fighting for years, however we have had only limited success in containing the infestation in the past. It is believed that the ash borer was brought to Michigan about 6 years ago through the channels of international trade. What started as a local infestation in a few counties in southeastern Michigan has grown to infest the entire Lower Peninsula. This find in a State park in Michigan's Upper Peninsula is significant because it shows that efforts and the resources provided until now have not been adequate to contain the pest.

While even as we speak, research is being conducted by some of our State's best experts on ways to kill the bug while saving our ash trees, a lack of funding is hampering these efforts. Whatever funding is available must be balanced between research efforts and eradication and containment. For now, that means removing our ash trees. In Michigan alone, we are nearing 10 million trees removed. I cannot tell you how distressing it is for communities which have been forced to remove trees and have little or no funding to replace them. Ann Arbor, near the heart of the infestation and known for its beautiful downtown tree-lined streets, is increasing devoid of foliage, as is the case with too many of our cities and towns.

The State of Michigan anticipated \$30 million in Federal funding last year for activities related to eradicating emerald ash borer. Unfortunately, they only received a third of that. This has severely affected our ability to do what is necessary to eradicate this pest. Chipping of these downed trees has ground to a halt, and funding to enforce the State's wood quarantines has been strained. We cannot continue to hold back the spread of the ash borer on our own with such meager funding.

This year, recognizing the serious threat that the ash borer poses to the Nation, the administration requested \$32 million for eradication efforts. However, the Senate bill before us provides only \$5.96 million for the efforts. This is simply far too inadequate.

The House of Representatives approved \$14 million for emerald ash borer-related activities in their Agriculture appropriations bill. While this is still far below what is required, I believe it is a positive first step to providing the desperately needed funding to slow the spread of the ash borer.

We must recognize that this is a nationwide problem that is unfortunately not receiving the recognition or support that it should. A handful of States where EAB has been detected cannot be expected to contain the bug on their own forever. We have seen how quickly the ash borer has infested my State of Michigan, taking only 5 years to spread throughout the Lower Peninsula. Without adequate resources, we face a serious threat to our ash stock. The further spread of the emerald ash borer would be economically devastating to my State, and possibly to much of the rest of the Nation.

I am hopeful that the Senate conferees to this bill will accept the House's level of \$14 million for EAB eradication efforts.

Mr. FEINGOLD. Madam President, I am pleased that the Senate has approved H.R. 2744, the fiscal year 2006 appropriations bill providing vital funding for the Department of Agriculture, Food and Drug Administration and related agencies. While I may not support every provision, this bill provides important funding to support our Nation's farmers, rural communities, and conservation programs along with providing nutritious food for seniors, children and those in need.

I am pleased that the Appropriations Committee rejected a number of administration proposals to reduce or eliminate important programs such as funds for research at our land-grant colleges and universities, conservation partnerships through resource conservation and development councils, and funds to combat Johne's disease in our dairy industry. All of these programs were funded at a minimum of last year's levels instead of receiving drastic cuts.

After years of delay, I was encouraged that the Senate bill included funds to implement mandatory country-of-origin labeling, COOL, for meat, vegetables and fruits. Country-of-origin labeling is vitally important to enable our farmers to show their pride in the quality of their products, from ginseng to cheese to cranberries. Wisconsin farmers are proud of their work, and many consumers want to support American products—with country-of-origin labeling, both farmers and consumers benefit. I urge the Senate conferees to insist on funding COOL when they meet with the House conferees to resolve differences between the two Chambers' bills.

The Senate bill included over \$18 million for efforts to control and eradicate chronic wasting disease, CWD, in deer and elk. In addition to this much needed funding, I also worked with Senator ALLARD to include a provision that would require the Department of Agriculture to set minimum national standards for CWD control. Under the current system there are various State regulations but no set of basic procedures guiding the movement, handling, testing and permitting of captive-raised deer and elk. Our amendment, that was included as part of the bill, requires the Animal Plant Health Inspection Service to publish its uniform methods and rules concerning CWD within 90 days of enactment of the provision. With CWD being newly discovered in New York and West Virginia, it is clear that this disease requires a national response. This provision is an important step to prevent the further spread of CWD and help deer and elk farmers operate safely throughout the Nation.

High fuel costs are putting a squeeze on all Americans, but our farmers are in a particularly vulnerable position. While the high fuel costs are hitting them at many levels, they have little flexibility in whether to plant and harvest their fields, pay to move their products to market or procure fertilizer and feed. More than that, they receive what the market dictates for their products, so when fuel costs double or triple and they see fuel surcharges on every one of their bills, they can't pass these costs on and receive a higher price for their milk, grain or other products. In recognition of this difficult situation, I was proud to cosponsor an amendment offered by Senator SALAZAR that was included in the bill as a first step to addressing this problem. The amendment requires the Department of Agriculture to study the issue and issue a report on the impact to farmers.

I also submitted an amendment to the bill to require the Food and Drug Administration, FDA, to conduct a study on the levels of pesticides in domestic and imported ginseng. With Wisconsin ginseng being highly prized worldwide for its quality and lack of unsafe residues, mislabeled imported ginseng, often with high levels of pesticide residues, remains a problem for our producers. This study would have investigated this issue and provided important information to focus FDA's enforcement activities on reducing the amount of unsafe ginseng being passed off as Wisconsin- or U.S.-grown and helping growers fight back against this unfair competition. I was disappointed that I was blocked from having this amendment included in the bill. Despite this setback, I will continue to fight for better enforcement to protect consumers and Wisconsin's ginseng growers.

Mr. DODD. Madam President, I thank Senator BENNETT and Senator KOHL for their efforts as floor man-

agers of H.R. 2744, the Agriculture appropriations bill, and for their willingness to include in that legislation an amendment that I offered along with Senators HARKIN, REED, CARPER, BIDEN, and LIEBERMAN.

Our amendment, No. 1818, expresses the sense of the Congress that the Food and Drug Administration, FDA, should act within 1 year to issue comprehensive labeling guidelines for over-the-counter, OTC, sunscreen products—a so-called "final monograph." The FDA began work to develop such a monograph in 1978. In 2002, after 24 years, the agency issued a final monograph. Unfortunately, the final sunscreen monograph failed to address one of the most critical aspects of sunscreens—how to measure protection against UVA rays, which are responsible for causing skin cancer. Because the final monograph failed to address this key issue, the FDA stayed it until a comprehensive monograph could be issued in order to avoid consumer confusion and the need for unnecessary product relabeling.

That stay was issued nearly 4 years ago, and the FDA has yet to issue a comprehensive final monograph. Sunscreen manufacturers need clear guidance on product labeling in order to provide consumers with crucial information about the protective benefits of sunscreen products. Studies have shown that skin cancer rates continue to rise, especially in younger adults and women.

Furthermore, in the face of FDA inaction, States are poised to fill the void, raising the specter of a patchwork of state labeling requirements that could be confusing to consumers and unnecessarily burdensome to manufacturers. Pursuant to section 751 of the Federal Food, Drug, and Cosmetic Act, FFDCA, which was enacted in 1997, a Federal rule on sunscreen labeling would preempt any related State labeling requirements. But this pre-emption does not apply in the absence of a Federal rule. A recent decision by the Los Angeles Superior Court held that, because there is no final FDA monograph for sunscreens, the FFDCA does not preempt California State labeling and advertising laws. Consequently, California State law can require specific labeling for sunscreens sold in California.

The FFDCA expresses Congress' view that national uniformity of sunscreen labels is important to providing all consumers with equal access to valuable information about the need for sunscreens to reduce the risk of skin cancer. As such, under Public Law 105-115, the Food and Drug Modernization and Accountability Act of 1997, Congress intended the FDA, which has the requisite scientific and medical expertise, to prescribe labels for sunscreen products.

In March 1999, in a letter to FDA Commissioner Jane Henney, Senator REED and I expressed similar concerns about the agency's protracted delay in issuing a comprehensive final OTC

monograph for sunscreen. Sadly, and much to the detriment of many Americans who need clear, accurate, and comprehensive sunscreen labeling as their first line of defense against skin cancer, little has been done by FDA since that time. Twenty-seven years is more than enough time for FDA to finalize this monograph. Again, I thank Senator BENNETT and Senator KOHL for their willingness to address this issue. I urge the FDA to act with all possible haste to finalize the OTC monograph for sunscreen products, and to do so within the next year.

Mr. DURBIN. Madam President, I rise to offer this amendment with Senators MURRAY, OBAMA and AKAKA, and I thank Senators FEINSTEIN and HUTCHISON, as managers of this bill, for working with us to place some reasonable limitations on the review of disability claims for post-traumatic stress disorder that is currently under way in the Department of Veterans Affairs.

The Department of Veterans Affairs is conducting a review of 72,000 cases of veterans whom the VA has already rated at 100 percent disability due to post-traumatic stress disorder. The reason for this review is that the Inspector General of the VA recently found that the Department has, in the past, approved many PTSD disability claims without obtaining key documents from the veterans necessary to demonstrate that the PTSD is connected to their military service. In other words, the VA failed to adequately confirm the facts of the case.

In many cases, however, many years have now passed since the Department rated the veteran as disabled and began providing disability compensation. For many of these veterans suffering from the mental and emotional burdens of some very horrific experiences, that VA disability check may be their only source of income.

Now, the VA is re-opening these cases to determine if there was an error in their collection of documentation, and if so, where and how the error occurred.

Even if there was an error, however, that veteran is now dependent on that income. The veteran should not now—years later—be punished with a loss of their income due to the late discovery by the VA of its own error.

For this reason, the amendment I am offering today prohibits the use of any appropriated funds to revoke or reduce a veteran's disability compensation for post-traumatic stress disorder based on a finding that the Department of Veterans Affairs failed to collect justifying documentation, unless such failure was the direct result of fraud by the applicant.

It is the intent of this amendment that the Department may conduct this review if it provides a report to the Committee on Appropriations on the plan for staffing and funding requirements. The Department cannot, however, correct its error by taking money away from veterans.

America's veterans deserve the undying gratitude of the people of this Nation. America's veterans deserve speedy and accurate processing of their claims at the Department of Veterans Affairs. They do not deserve to be given compensation one day, only to have it taken away years later. Fortunately, the Senate is acting today to prevent that from happening.

Mr. FRIST. Madam President, every morning, farmers and ranchers across America wake up to do the hard work of growing crops, tending livestock, and providing food that is safe, abundant and affordable.

Over 2 million American farms grow the food that feeds the world.

And today we will pass, with near unanimous support, the Agriculture appropriations bill, which helps America's farmers to be the most productive in the world.

The Agriculture appropriations bill funds \$100.7 billion for a wide array of Government agencies. Roughly 80 percent of the funding in this bill is for those programs referred to as "entitlements." That includes farm price support programs and funding for low-income, domestic food assistance programs such as food stamps, school lunch, and other child nutrition programs.

The portion of this bill we refer to as "discretionary" includes such activities as rural development, rural housing, agriculture research, FDA, and most conservation programs. That portion represents \$17.3 billion—less than a 3 percent increase over this year's funding.

Later today, the Department of Agriculture will release their most current estimates on the agriculture damages caused by Hurricane Katrina. Preliminary estimates indicate that the loss of agricultural production in the area might be less than \$1 billion. Small comfort to the hard working people who have lost their livelihoods—shrimpers along the coast who have lost their shrimp boats, broiler producers in Mississippi who have lost their facilities.

But we do know that 8 of the 10 major export grain elevators near the Port of New Orleans are operational today. Three major floating rigs, which have comparable capacity to these elevators, are also operational.

Eighty percent of grain export capacity has been restored, and barge movement is now increasing. Export grain delivery from the upper reaches of the Mississippi is catching up with these capacity numbers. The real impact of Katrina on the agricultural sector will be the increasing cost of energy and fertilizer costs.

As I mentioned earlier, the largest expenditure made by the USDA is for food and nutrition programs. The appropriations bill provides \$40.7 billion for the Food Stamp Program; \$12.4 billion for the school meal programs; \$5.3 billion for the Women and Infants and Children program. Rural housing loan programs are allotted nearly \$5 billion.

Another critical function of the USDA is to conduct research into improving our farming and conservation methods.

The Department provides grants to local communities for a variety of rural development projects, ranging from electricity improvements, to water infrastructure, waste management, broadband service, and energy efficiency.

During the August recess, I had the opportunity to meet with a group of county mayors back in my home State. Tennessee is a major grower of cotton, corn, and soybeans. This year, we are expected to produce 48 million bushels of soybeans on 1.2 million acres of farmland. The Tennessee USDA office also predicts we will set a new State record for cotton production, at over 1.1 million bales.

While I was home meeting with the county mayors, we discussed Tennessee's thriving farming business and what they need to help it grow. Greater research into agricultural production was one area they highlighted. The farm bill includes significant support for those efforts. ncludes significant support for those efforts.

It includes: \$2 million for Appalachian horticultural research, a collaborative project between the USDA and University of Tennessee; \$955,000 for research into the best way to protect soil and water quality on farms which can suffer from heavy erosion; and nearly \$40 million for the boll weevil eradication program to help our cotton farmers combat this destructive pest.

These programs, along with major funding for the USDA's rural development programs and housing services, are helping farmers around the country continue to feed America, and indeed, the world.

From the very beginning of our Nation's history, farming has been the backbone of our economy, our growth, and our independence. Our earliest settlers were farmers. Farmers and ranchers pioneered our expansion to the West. Indeed, the first patent issued by the Patent Office in 1790 was to Samuel Hopkins for a farming innovation.

I congratulate the chairman of the subcommittee, Senator BENNETT, and the ranking member, Senator KOHL, on reporting a bill that, even in a time of tight budgets, targets spending on the needs of rural America, while also maintaining funding for essential food assistance programs.

By pulling together and remaining focused, the United States Senate is keeping America's expansive food and fiber system moving forward.

Mr. BENNETT. Madam President, all other amendments having been withdrawn or disposed of, we are now to final passage. To accommodate those who need to leave, I reserve any remarks about the bill until after final passage and urge we move to the vote.

Madam President, I yield for the Senator from Alaska.

CHANGE OF VOTE

Mr. STEVENS. Madam President, I ask unanimous consent the vote on 237 be changed. I voted no and I intended to vote aye. I ask it be changed. It will not change the outcome of the vote.

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

Mr. KOHL. Madam President, I thank Senator BENNETT once again for his hard work and expert managing of this bill. It has been a pleasure to work with him, and I look forward to continuing to work together as we conference this bill with the House. I also publicly and sincerely thank John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, and Stacy McBride on his staff for their hard work and dedication.

They exhibited professionalism and a strong work ethic throughout this entire process, and worked seamlessly with my staff—something I am constantly reminded of as a rare occurrence in what can be an incredibly partisan place. I look forward to continuing this strong spirit of cooperation.

Mr. BENNETT. Madam 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.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—97

Akaka	Coleman	Hatch
Alexander	Collins	Hutchison
Allard	Conrad	Inhofe
Allen	Cornyn	Inouye
Baucus	Craig	Isakson
Bayh	Crapo	Jeffords
Bennett	Dayton	Johnson
Biden	DeMint	Kennedy
Bingaman	DeWine	Kerry
Bond	Dodd	Kohl
Boxer	Dole	Kyl
Brownback	Domenici	Landrieu
Bunning	Dorgan	Lautenberg
Burns	Durbin	Leahy
Burr	Enzi	Levin
Byrd	Feingold	Lieberman
Cantwell	Feinstein	Lincoln
Carper	Frist	Lott
Chafee	Graham	Lugar
Chambliss	Grassley	Martinez
Clinton	Gregg	McCain
Coburn	Hagel	McConnell
Cochran	Harkin	Mikulski

Murkowski	Salazar	Stevens
Murray	Santorum	Talent
Nelson (FL)	Sarbanes	Thomas
Nelson (NE)	Schumer	Thune
Obama	Sessions	Vitter
Pryor	Shelby	Voinovich
Reed	Smith	Warner
Reid	Snowe	Wyden
Roberts	Specter	
Rockefeller	Stabenow	

NAYS—2

Ensign	Sununu
	NOT VOTING—1
	Corzine

The bill (H.R. 2744), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Madam President, at this time I would like to thank those who worked so hard to help us with the bill, particularly Dave Schiappa and Laura Dove here on the floor, along with Bill Hoagland of the leader's staff and Chairman CHAMBLISS and his staff, all of whom have been tremendously helpful. We also thank David Tinsley, Kathie Alvarez, Lula Davis, the Parliamentarians, and the cloakroom staff. These marathon activities are not the best kind of situations for some of these folks whom we take for granted around here. I want to acknowledge their help and their support.

I, of course, want to acknowledge the staff of the subcommittee, and I will list their names as a single staff, even though technically they are divided between majority and minority, but in this subcommittee we work together as if we are one staff: John Ziolkowski, Fitz Elder, Hunter Moorhead, Dianne Preece, Stacy McBride, Galen Fountain, Jessica Frederick, Bill Simpson, and Tom Gonzales.

All of these people have my very deep and sincere thanks for the work in getting this done.

Now, Madam President, I understand we have to appoint conferees.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints Mr. BENNETT, Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. McCONNELL, Mr. BURNS, Mr. CRAIG, Mr. BROWNBACK, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. BYRD conferees on the part of the Senate.

UNANIMOUS CONSENT
AGREEMENT—H.R. 2528

Mr. BENNETT. Madam President, I ask unanimous consent that at 11:30 a.m. today, the Senate proceed to the immediate consideration of Calendar No. 169, H.R. 2528. I further ask consent that the committee-reported substitute be agreed to as original text for the purposes of further amendment, with no points of order waived by virtue of this agreement.

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

MORNING BUSINESS

Mr. BENNETT. Madam President, I now ask unanimous consent that there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

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

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

AMERICAN RED CROSS AND HURRICANE RELIEF

Mr. DURBIN. Madam President, yesterday morning I made a trip to meet with the head of the American Red Cross. ADM Marty Evans is an extraordinary person. She was born in Springfield, IL, and served in the U.S. Navy for 29 years. She rose to the rank of rear admiral and, after her retirement from the Navy, spent several years as head of the Girl Scouts of America. Then a few years ago, she was chosen to be CEO of the American Red Cross.

The American Red Cross is an extraordinary agency. There are some 4,500 employees in Washington, 30,000 nationwide, millions of volunteers. Those of us who have had the good fortune of working with the Red Cross know that the people working in Washington are important, but the volunteers in the field are absolutely essential—men and women from communities across America who, at the first warning signal, are prepared to give up their personal lives and move to where they are needed. The help they bring and have brought has made a difference so many times in the lives of victims.

As Ms. Evans told me yesterday, this is not just a matter of hurricanes and floods. They respond to house fires to try to make certain that families and individual communities have a helping hand. I asked her what she did in preparation for Hurricane Katrina, how the American Red Cross positioned itself. I asked what they were doing in anticipation of Hurricane Rita, which we are all watching so closely. She said they didn't wait for a Government signal. They knew what they had to do. They positioned their people, their resources in safe locations where they could move in as quickly as possible after the disaster. They gave a helping hand in the evacuation. But they were ready and prepared, if something terrible occurred. It was heart warming and reassuring to know that the American Red Cross and other extremely important charitable organizations such as America's Second Harvest based in Chicago,