

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TIMBER

Mr. SMITH. Mr. President, I intended to speak in reference to an amendment I was to call up for the supplemental, but because we are in morning business I will speak in morning business.

My amendment would be objected to as out of order, as being inconsistent with the supplemental emergency bill. However, I am here to talk about an emergency in rural Oregon in timber-dependent communities.

For 100 years, there has been a relationship between the Federal Government and rural communities that has been absolutely indispensable to our country and to those communities. The deal was this: In those States where the Federal Government owns much of the land—in my State it owns more than half of the State of Oregon—there would be multiple uses of public lands. They would be managed as to their resources consistent with environmental law.

In the case of the State of Oregon, there would be the result of timber products, wood products, to build countless millions of homes. There would be jobs for people and there would be the types of jobs that would create tax revenues that would allow local communities to have services.

In addition to that, there is what are called timber receipts. Local communities would get 25 percent of the timber receipts from the harvest of public timber. This has been absolutely indispensable to the life of these rural communities.

That deal changed in the 1990s. To show you how devastating this change was to my State, we had the listing of the spotted owl. We had the Endangered Species Act go into effect. President Clinton and Vice President Gore pursued a forest policy that took a harvest of roughly 8 billion board feet a year down to less than 1 percent of that in many national forests. As a consequence, by the end of the 1990s, our schools were closing. They operated 4 days a week. Counties had no money because many of them have lost up to 60 percent of their operating budgets.

At the end of the Clinton administration, the Congress, with President Clinton, recognized the damage, the devastation, being done to these communities, so we passed, in 2000, the Secure Rural Schools Act to bridge the gap between what had been, the gridlock that existed, and the hope for a brighter day when there would be a predictable, sustainable level of forestry.

President Bush and the Congress pursued the Healthy Forests Initiative and

this President has fully funded the Northwest Forest Plan that was the product of President Clinton but never delivered on the timber that it promised in the hopes of bridging the gap for these communities.

But still, after all of that effort, 6 years later, we find that only a small percent of what was done 20 years ago is available to these communities in terms of timber harvest. As a consequence, this secure rural schools fund is about to expire.

I suggest this is a very real, present danger, even an emergency, that is appropriate to this supplemental. We ought to include it. These are Federal decisions that have been made. They have been made by an administration in the 1990s. They have been made by Federal law, the law that passed by this Congress. They have been made by courts that have enforced that law and have locked up our forests and now have us in a bind that is truly an emergency.

This is a Federal obligation. I need to use every tool as a Senator that I have available to me to try to remind this Senate, this Congress, of the obligation it has. We cannot abandon these communities. We cannot abandon these people. We have to find a way to continue to get back to a management level that is consistent with environmental law, that allows for multiple uses of the land, the harvest of timber, the employment of our people, the production of wood products, the receipt of timber taxes, so that schools can remain open, streets can remain paved, counties can be safe because they have police protection.

This is not inexpensive. The annual cost of what we did to bridge this gap was \$500 million a year. Oregon is responsible for 20 percent of the merchantable timber in this country. We are not alone in terms of the benefit that came from this secure rural schools fund. California received \$380 million over the last 6 years; Montana, \$63 million; Mississippi received \$38.8 million to keep their rural timber-dependent communities together body and soul.

We cannot walk away from this until we find a day where we can get back to a deal that is sustainable in terms of environmental policy, timber production, and the employment of our people. Heaven knows we need the timber. We are now a net importer of timber in this country. Yet what do we do with our own timber? Our policies are in gridlock and our forests are burning.

Three years ago, there were 500,000 acres burned in southern Oregon, larger than the State, I am told, of Rhode Island. Yet that timber still stands rotting, a moonscape that, frankly, ought to be allowed to at least be salvaged in some degree.

Until we come to a day where we have a policy that we in the Federal Government agree upon, we cannot abandon these rural communities.

I will at the appropriate time propose my amendment and hope it is not ruled out of order.

I yield the floor.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Oregon for his comments and his leadership on these issues that are so important to our forestry owners and people throughout the States who depend on incomes from those jobs.

I ask unanimous consent I be permitted to call up amendments at this point.

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

McCain/Ensign amendment No. 3616, to strike a provision that provides \$74.5 million to states based on their production of certain types of crops, livestock and or dairy products, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3617, to strike a provision providing \$6 million to sugarcane growers in Hawaii, which was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3618, to strike \$15 million for a seafood promotion strategy that was not included in the Administration's emergency supplemental request.

McCain/Ensign amendment No. 3619, to strike the limitation on the use of funds for the issuance or implementation of certain rulemaking decisions related to the interpretation of "actual control" of airlines.

Warner amendment No. 3620, to repeal the requirement for 12 operational aircraft carriers within the Navy.

Coburn amendment No. 3641 (Divisions IV through XIX), of a perfecting nature.

Vitter amendment No. 3627, to designate the areas affected by Hurricane Katrina or Hurricane Rita as HUBZones and to waive the Small Business Competitive Demonstration Program Act of 1988 for the areas affected by Hurricane Katrina or Hurricane Rita.

Vitter/Landrieu modified amendment No. 3626, to increase the limits on community disaster loans.

Vitter modified amendment No. 3628, to base the allocation of hurricane disaster relief and recovery funds to States on need and physical damages.

Wyden amendment No. 3665, to prohibit the use of funds to provide royalty relief for the production of oil and natural gas.

Santorum modified amendment No. 3640, to increase by \$12,500,000 the amount appropriated for the Broadcasting Board of Governors, to increase by \$12,500,000 the amount appropriated for the Department of State for the Democracy Fund, to provide that such funds shall be made available for democracy programs and activities in Iran, and to provide an offset.

Salazar/Baucus amendment No. 3645, to provide funding for critical hazardous fuels

and forest health projects to reduce the risk of catastrophic fires and mitigate the effects of widespread insect infestations.

Vitter amendment No. 3668, to provide for the treatment of a certain Corps of Engineers project.

Burr amendment No. 3713, to allocate funds to the Smithsonian Institution for research on avian influenza.

Coburn (for Obama/Coburn) amendment No. 3693, to reduce wasteful spending by limiting to the reasonable industry standard the spending for administrative overhead allowable under Federal contracts and subcontracts.

Coburn (for Obama/Coburn) amendment No. 3694, to improve accountability for competitive contracting in hurricane recovery by requiring the Director of the Office of Management and Budget to approve contracts awarded without competitive procedures.

Coburn (for Obama/Coburn) amendment No. 3695, to improve financial transparency in hurricane recovery by requiring the Director of the Office of Management and Budget to make information about Federal contracts publicly available.

Coburn (for Obama/Coburn) amendment No. 3697, to improve transparency and accountability by establishing a Chief Financial Officer to oversee hurricane relief and recovery efforts.

Menendez amendment No. 3675, to provide additional appropriations for research, development, acquisition, and operations by the Domestic Nuclear Detection Office, for the purchase of container inspection equipment for developing countries, for the implementation of the Transportation Worker Identification Credential program, and for the training of Customs and Border Protection officials on the use of new technologies.

Murray (for Harkin) amendment No. 3714, to increase by \$8,500,000 the amount appropriated for Economic Support Fund assistance, to provide that such funds shall be made available to the United States Institute of Peace for programs in Iraq and Afghanistan, and to provide an offset.

Conrad/Clinton amendment No. 3715, to offset the costs of defense spending in the supplemental appropriation.

Levin amendment No. 3710, to require reports on policy and political developments in Iraq.

Schumer/Reid amendment No. 3723, to appropriate funds to address price gouging and market manipulation and to provide for a report on oil industry mergers.

Schumer amendment No. 3724, to improve maritime container security.

Murray (for Kennedy) amendment No. 3716, to provide funds to promote democracy in Iraq.

Murray (for Kennedy) modified amendment No. 3688, to provide funding to compensate individuals harmed by pandemic influenza vaccine.

Cornyn amendment No. 3722, to provide for immigration injunction reform.

Cornyn amendment No. 3699, to establish a floor to ensure that States that contain areas that were adversely affected as a result of damage from the 2005 hurricane season receive at least 3.5 percent of funds set aside for the CDBG program.

Cornyn amendment No. 3672, to require that the Secretary of Labor give priority for national emergency grants to States that assist individuals displaced by Hurricanes Katrina or Rita.

Murray (for Byrd) amendment No. 3708, to provide additional amounts for emergency management performance grants.

Domenici/Reid amendment No. 3769, to provide additional construction funding for levee improvements in the New Orleans metropolitan area, gulf coast restoration.

AMENDMENT NO. 3769

Mr. COCHRAN. Mr. President, I call up amendment No. 3769 on behalf of Mr. DOMENICI regarding levee funding. This amendment has been cleared on both sides of the aisle, and I urge it be agreed to.

The PRESIDING OFFICER. The amendment is pending.

The question is on agreeing to the amendment.

The amendment (No. 3769) was agreed to.

Mr. COCHRAN. 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.

AMENDMENT NO. 3789

Mr. COCHRAN. I call up amendment No. 3789 on behalf of Mrs. HUTCHISON regarding treatment of Hurricane Rita States.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mrs. HUTCHISON, for herself, Mr. CORNYN, and Ms. LANDRIEU, proposes an amendment numbered 3789.

Mr. COCHRAN. Mr. President, 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 ensure States impacted by Hurricane Rita are treated equally with regard to cost-share adjustments for damage resulting from that hurricane)

On page 165, line 20, after "Provided," insert the following: "That for states in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: *Provided further,*,"

Mr. COCHRAN. Mr. President I urge agreement of the amendment. It has been cleared on both sides.

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

The amendment (No. 3789) was agreed to.

Mr. COCHRAN. Mr. President, we are at a point in the proceedings at the hour of 11 o'clock to vote on cloture on the bill. I urge Senators to support this motion to bring to a close debate on the provisions of the supplemental appropriations bill so that we may proceed to consider other amendments that are pending and dispose of that measure.

It is an urgent supplemental. It contains emergency funding for the Department of Defense, the Department of State, as well as disaster assistance for the gulf State regions and elsewhere for natural disaster damages and destruction.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 391, H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

Bill Frist, Thad Cochran, Judd Gregg, Lamar Alexander, Wayne Allard, Johnny Isakson, Mitch McConnell, Mel Martinez, Orrin Hatch, Kay Bailey Hutchison, George Allen, Norm Coleman, Pat Roberts, Richard Shelby, Larry Craig, Richard Burr, Robert F. Bennett.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 4939, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Arkansas (Mrs. LINCOLN) is absent due to death in family.

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

The yeas and nays resulted—yeas 92, nays 4, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—92

Akaka	Dole	McConnell
Alexander	Domenici	Menendez
Allard	Dorgan	Mikulski
Allen	Durbin	Murkowski
Baucus	Ensign	Murray
Bayh	Enzi	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Salazar
Burr	Hatch	Santorum
Byrd	Hutchison	Sarbanes
Cantwell	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Isakson	Shelby
Chambliss	Jeffords	Smith
Clinton	Johnson	Snowe
Coburn	Kennedy	Specter
Cochran	Kohl	Stabenow
Coleman	Kyl	Stevens
Collins	Landrieu	Sununu
Conrad	Lautenberg	Talent
Cornyn	Leahy	Thomas
Craig	Lieberman	Thune
Crapo	Lott	Vitter
Dayton	Lugar	Voinovich
DeMint	Martinez	Warner
DeWine	McCain	

NAYS—4

Dodd
FeingoldLevin
Wyden

NOT VOTING—4

Biden
KerryLincoln
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I voted against the motion to invoke cloture on the supplemental appropriations bill because it will have the effect of preventing the consideration of a number of important and relevant amendments.

There are more than a hundred amendments which have been filed on this bill. Several are important amendments, such as Senator WYDEN's amendment to prevent funds from being used to continue discounts given to the oil companies on royalties which otherwise would be paid to the Federal Government for production of oil and/or natural gas on Federal lands. Another example is the bipartisan amendment that I offered with Senators COLLINS and REED to require reports to Congress on progress toward a national unity government in Iraq.

Too frequently in recent years, we see a pattern of slowing down consideration of amendments or filling the amendment tree to block them altogether, followed by cloture to end debate and further restricting or preventing the consideration of amendments. The Senate, which has often been referred to as "the world's greatest deliberative body" and which historically has been characterized by the quality of its debate, should not permit this pattern of preventing the consideration of, and votes on, amendments to become the norm.

When I came to the Senate, the leadership did not as a routine approach try to prevent consideration of amendments they didn't agree with. Instead, they attempted to amend them or simply vote against them. In recent years, we see more and more bills on which amendments are limited or blocked entirely, more like the House. On the PATRIOT Act, this year, for example, the amendment tree was completely filled by the leadership, a procedural technique for preventing any amendments from being considered, and none were.

Mr. President, I support the funding for the troops in Iraq and Afghanistan, and I support the emergency assistance for the gulf coast in the wake of Hurricane Katrina. I intend to support this bill on final passage in the Senate. I am opposed, however, to the use of this procedure to limit debate and the consideration of amendments.

AMENDMENT NO. 3617

Mr. MCCAIN. Mr. President, I have an amendment at the desk, No. 3617. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending. It is now the regular order.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, this amendment would strike the \$6 million earmark for sugarcane growers in Hawaii, which was not included in the administration's emergency supplemental request.

I would again remind my colleagues of the Statement of Administration Policy which was issued on April 25, obviously on the legislation now being considered. Again, this has been repeated several times in the Chamber, but I think it is important to again quote from the administration's statement, saying:

The administration is seriously concerned with the overall funding level and the numerous unrequested items included in the Senate bill that are unrelated to the war or emergency hurricane relief needs. The final version of the legislation must remain focused on addressing urgent national priorities while maintaining fiscal discipline. Accordingly, if the President is ultimately presented a bill that provides more than \$92.2 billion, exclusive of funding for the President's plan to address pandemic influenza, he will veto the bill.

The administration statement goes on to say:

The administration strongly opposes the committee's agricultural assistance proposal totaling nearly \$4 billion. The 2002 farm bill was designed, when combined with crop insurance, to eliminate the need for ad hoc disaster assistance. In 2005, many crops had record or near record production and the U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

So the administration is pretty clear about this issue of these add-ons which have ballooned this bill from \$92 billion to \$105 billion or so.

I also point out for my colleagues' benefit that the American people are growing very weary of this earmarking process. Last Thursday, there was a poll published in the Wall Street Journal, which is an NBC News/Wall Street Journal poll, and it was interesting in that it says:

In particular, Americans who don't approve of Congress blame their sour mood on partisan contention and gridlock in Washington. Some 44 percent call themselves "tired of Republicans and Democrats fighting each other." Thirty-six percent say nothing seems to get done on important issues. Further, 34 percent cite corruption among lawmakers. Among all Americans, a 39 percent plurality say the single most important thing for Congress to accomplish this year is curtailing budgetary earmarks benefiting only certain constituents.

If there is ever a bill that would emphasize the frustration Americans have felt, it is this legislation that is before us.

A worthy cause, although I intend, along with others, to stop this business of continuing to fund the war in Iraq, which has been going on now a number of years now, the "emergency supplemental," it is long overdue and time to focus on the normal budgetary process because we know we will be spending

money on Iraq, unfortunately, for a long period of time. But this vehicle in itself is a violation of the normal procedures of the Senate because it should be authorized and then appropriated. But this vehicle is then, of course, used to load up unnecessary, unwanted, unfortunate, and sometimes outrageous additional spending.

For example, in this bill, which is not subject to this amendment, we have \$15 million to the USDA Ewe Lamb Replacement and Retention Program. This program already exists and is meant to assist with lamb breeding stock needs, not hurricane recovery; \$400,000 goes to the Rio Grande Valley sugar growers for assistance with sugarcane storage and transportation costs to the port of Baton Rouge, LA. Among the many sugar growers nationwide, why are we providing an earmark to this particular group?

There is \$120 million for sugarcane and sugar beet disaster assistance in Florida. Rather than using existing USDA disaster assistance programs, this legislation would establish a special program that caters directly and solely to Florida sugar. By the way, it is one of the most heavily subsidized industries in America today.

There is \$6 million to compensate owners of flooded crop and grazing land in North Dakota. Hurricanes in North Dakota? North Dakota is one of the nation's top producers of, you guessed it, sugar.

Mr. President, the amendment I offer today would strike an earmark in the bill that provides \$6 million to sugarcane growers in Hawaii. Obviously, the Hawaiian lands were not anywhere near the path of the 2005 hurricanes. Certainly it is appropriate that any farmer impacted by a natural disaster can seek Federal assistance which, as I already said, is why there are existing USDA disaster recovery programs authorized under the 2002 farm bill. But in this case the appropriators are establishing a special program that caters directly to Hawaiian sugar growers via a must-pass emergency appropriations bill.

I think it is important that we continue to go back, as we argue the merits or demerits of these earmarks, to the fact that this is the "Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery." Hawaiian sugar growers do not fit in any of those categories.

According to this bill, according to the legislation before us, the Secretary shall use \$6 million to "assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to receive marketing assistance loans and loan deficiency payments."

What does that mean? I can only assume this funding will be directed to the Hawaii Sugar and Transportation Cooperative, the only entity that received \$7.2 million from a nearly identical provision in last year's, guess

what, military construction appropriations. This same entity has already got \$7.2 million out of a MilCon bill. I am informed the members are the Gay and Robinson Sugar Company, the island of Hawaii, and the Hawaiian Commercial Sugar Company, the island of Maui. These are producer-owned sugarcane mills that own the land.

Let me repeat. The same cooperative got a bailout a year ago. Are we now going to start providing these two companies with annual supplemental appropriations bailouts? I urge my colleagues to question what we are doing.

Let me quote from the administration's Statement of Administrative Policy again:

In 2005, many crops had record or near record production and U.S. farm sector cash receipts were the second highest ever. Furthermore, the proposed level of assistance is excessive and may overcompensate certain producers for their losses.

What are we trying to do with this bill? We are trying to tell our farmers, no matter where you are or what you farm, don't bother with crop insurance because come next year's supplemental, we will dole out far more than you need.

As Secretary Mike Johanns said:

I have spent the last week studying the bill to try to get an understanding of the mechanics of the bill, but taking it a step further, trying to get an understanding of what we have done for disaster relief in the last year. And what is the agricultural economy like that may lay the foundation for somebody to say we need disaster relief.

He said for the 2005 and 2006 crop years, despite pockets of weather problems, "Every year you see them. For a country this big, it is unusual not to have some weather issues out there."

But despite pockets of problems, production and yields set records or near records recently.

Johanns' conclusions, after getting answers to his questions: "I got all that data and evidence, and that got me thinking, 'What are they trying to do with that bill?'" He is talking about the supplemental bill before us. "So I studied the bill and I must admit, my forehead started wrinkling."

Well, as noted in Saturday's Washington Post editorial, "Should Farming Be the Nation's Only Risk-Free Enterprise?" perhaps the intent in providing this \$6 million to the Hawaiian sugar growers is to prop up a sugar industry which has fallen on hard times. With rising diabetes and child obesity rates which have more than doubled since 1977, maybe sugar isn't in demand as in previous years. Maybe the efforts by parents to have soft drink machines stripped from public schools is having a prolific effect on sugar production. If only that were the case. In reality, consumption of sweeteners in the U.S. has risen from 113 pounds per person per year in 1966 to around 142 pounds per person per year in 2004. At that rate Americans consume the equivalent of about 1 teaspoon of sugar per hour every 24 hours, 7 days a week.

The U.S. News & World Report compared our sugar fix to other, more nu-

tritious agricultural commodities and found that Americans ate an abysmal 8.3 pounds of broccoli a year in 2003, something I can understand.

Again I question the need to spend more taxpayer dollars on sugarcane. Didn't we just vote last week not to fund a \$15 million marketing program for seafood? Certainly less than a week later we are not going to turn around and vote to fund marketing to support this effort.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the provision under attack at this moment was not snuck in during the dark of night. It was openly discussed with the authorizing committee and was granted approval. It was openly discussed with the Appropriations Subcommittee on Agriculture and it was granted approval. That is why this provision is in the supplemental. It was approved by the authorizers and the appropriators. Thirdly, it was openly discussed with the Secretary of Agriculture, and the Secretary issued a statement declaring that this was a disaster area.

Why do we call this a disaster? In one of those strange natural phenomena, for 40 days and 40 nights it rained in Hawaii. In one spot, it rained 126 inches in those 40 days. The average in most areas was 3 inches a day. Obviously, with such sustained heavy rains, you would have devastation. Many families lost their homes. Private property and public property were destroyed.

The \$6 million in this provision is to assist the two sugar companies, Gay and Robinson and Hawaiian Commercial and Sugar, with their crop losses, damage to their irrigation canal system, and washed out roads.

It may interest my colleagues to know that on the island of Kauai, that plantation suffered more than 100 miles of roads being severely damaged. They are washed out and require complete rebuilding. Some of the most critical roads were the access roads to irrigation, and these will have to be rebuilt.

In addition to the roads, the irrigation infrastructure on the island of Kauai was totally damaged and destroyed. This infrastructure damage has two costs. One is the cost of repairing, obviously, and the other is the sugar losses due to production disruptions. And the same can be said for the island of Maui.

The yield losses alone for the two companies will far exceed the amount we are requesting for assistance. Losses have occurred because of this damage.

In summary, heavy rains caused tremendous infrastructure damages. The

actual repair or reconstruction costs are much higher than the amount we are seeking.

I hope my colleagues will show some compassion and understanding. It is an emergency.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this provision was included in the committee bill in the agricultural disaster title of the supplemental because of severe weather-related damage to Hawaii's sugarcane crop this year.

Hawaii sustained heavy rains and flooding from February 20 through April 2, devastating and destroying public and private property. The funds were considered by the committee to be necessary to assist sugarcane farmers through their cooperatives with cane crop losses.

They also sustained damage to their irrigation canal systems, and there were public roads that were washed out resulting from the heavy rains.

I support the position of the Senator from Hawaii on this amendment and urge the amendment be defeated.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be very brief.

One of the things we know we are all going to have to look at in the 2007 farm bill is how do we continue down this road and be able to afford it.

The 2002 farm bill put in what was called crop insurance. Every time we put in a program that undermines the incentive to use crop insurance, all we do is add it to the deficit, and we come back.

There is no question there are some needs, and probably legitimate, but what this appropriation does is create an incentive for people not to use crop insurance. That is exactly what it does.

So if we want to unwind further and raise the costs for the American people of the farm bill we have today, all we have to do is keep this kind of funding in, and we will undo and make sure we spend more money in the future.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be brief.

I understand Hawaii experienced severe flooding this winter. It should be pointed out that the heavy tropical rains did not lead to a Presidential disaster declaration. Surely the flooding impacted a broad range of agricultural commodities in Hawaii, not just sugarcane growers, and the Secretary of Agriculture is providing assistance under existing USDA disaster recovery programs. These programs will help farmers with noninsured crops, debt management, emergency loans, infrastructure repair, and farmland rehabilitation. Do we really need an additional earmark of \$6 million for Hawaiian sugarcane growers on top of the assistance already offered by the USDA?

Mr. President, I ask unanimous consent to print in the RECORD a USDA factsheet that contains the programs that are available: Emergency Conservation Program, Noninsured Crop Disaster Assistance Program, Disaster Debt Set-Aside Program, and the Emergency Loan Program.

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

ONGOING DISASTER ASSISTANCE PROGRAMS
FOR AGRICULTURAL PRODUCERS

OVERVIEW

The Farm Service Agency (FSA) offers farmers and ranchers various types of disaster aid to facilitate recovery from losses caused by drought, flood, freeze, tornadoes, hurricane, and other natural events. Ongoing disaster assistance programs available to eligible producers are:

EMERGENCY CONSERVATION PROGRAM (ECP)

ECP provides funding for farmers and ranchers to rehabilitate farmland damaged by wind erosion, floods, hurricanes, or other natural disasters and for carrying out emergency water conservation measures during periods of severe drought. The natural disaster must create new conservation problems which, if not treated, would:

Impair or endanger the land;
Materially affect the productive capacity of the land;

Represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and

Be so costly to repair that federal assistance is, or will be required, to return the land to productive agricultural use.

NONINSURED CROP DISASTER ASSISTANCE
PROGRAM (NAP)

NAP provides financial assistance to eligible producers affected by drought, flood, hurricane, or other natural disasters. NAP covers noninsurable crop losses and planting prevented by disasters.

Landowners, tenants, or sharecroppers who share in the risk of producing an eligible crop may qualify for this program. Before payments can be issued applications must first be received and approved, generally before the crop is planted, and the crop must have suffered a minimum of 50 percent loss in yield.

Eligible crops include commercial crops and other agricultural commodities produced for food, including livestock feed or fiber for which the catastrophic level of crop insurance is unavailable.

Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod).

DISASTER DEBT SET-ASIDE PROGRAM (DSA)

DSA is available to producers in primary or contiguous counties declared presidential or secretarial disaster areas. When borrowers affected by natural disasters are unable to make their scheduled payments on any debt, FSA is authorized to consider set-aside of some payments to allow the farming operation to continue.

After disaster designation is made, FSA will notify borrowers of the availability of the DSA. Borrowers who are notified have eight months from the date of designation to apply. Also, to meet current operating and family living expenses, FSA borrowers may request a release of income proceeds to meet these essential needs or request special servicing provisions from their local FSA county offices to explore other options. A complete

fact sheet about DSA can be found at <http://www.fsa.usda.gov/pas/publications/facts/debtset05.pdf>.

EMERGENCY LOAN PROGRAM (EM)

FSA provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine.

Emergency loans may be made to farmers and ranchers who own or operate land located in a county declared by the president as a disaster area or designated by the secretary of agriculture as a disaster area or quarantine area (for physical losses only, the FSA administrator may authorize emergency loan assistance). EM funds may be used to:

Restore or replace essential property;
Pay all or part of production costs associated with the disaster year;
Pay essential family living expenses;
Reorganize the farming operation; and
Refinance certain debts.

Mr. MCCAIN. Mr. President, I also ask unanimous consent to print in the RECORD the editorial contained in the Washington Post on April 29 basically saying:

There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of \$4.2 billion this year—is supposed to be about?

The administration is right to oppose this provision;

They are talking about the provision of \$4 billion in disaster payments to farmers as part of the emergency spending bill—

the Senate ought to show enough discipline to take it out.

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

[From the Washington Post, Apr. 29, 2006]

FARMERS AT THE TROUGH

Farm Subsidies have risen from \$8 billion in 1997 to a projected \$22 billion this year. Farm earnings have risen, too. Net farm income grew from \$36 billion in 2002 to a record \$83 billion in 2004. Although that fell last year to \$72 billion and is forecast to drop again 2006, to \$56.2 billion, that's still above the 10-year average.

But why let good news stand in the way of even more payments to farmers? The Senate is poised to add \$4 billion in "disaster" payments to farmers as part of the emergency spending bill it's debating. A big chunk would go to farmers who have suffered no other disaster than the high energy prices that are hitting every other sector of the economy—not to mention anyone who drives a car.

Under the Senate proposal, farmers who already receive cash subsidies for the corn, wheat, cotton or other crops they grow—money they get when prices are high or prices are low, in good years and bad—would get an extra 30 percent, at a cost of \$1.56 billion on top of the \$5.2 billion the government is already spending. Because payments are based on the size of farm operations, this would funnel the largest amounts to the biggest commercial farms; according to an analysis by the Environmental Working Group, just 10 percent of bonus subsidy recipients will collect nearly 60 percent of the money. More than 50 producers would collect an extra \$100,000 or more. Meanwhile, 60 percent of the nation's farmers would get nothing under this program because they raise livestock or grow crops that aren't eligible for the subsidy.

Proponents of the spending point to droughts in Iowa, floods in North Dakota and wildfires in Texas—calamities that have affected farmers there, they say, in much the same way Hurricane Katrina slammed those in the Gulf Coast. There are, no doubt, farmers who have suffered severe losses this year. Isn't that what crop insurance—government-subsidized crop insurance, to the tune of \$4.2 billion this year—is supposed to be about? True, crop insurance doesn't cover, all losses, but should farming be the nation's only risk-free enterprise? Besides, one of the theories behind the egregious 2002 farm bill was that it would, at least, provide generous enough payments year in and year out that farmers wouldn't need emergency bailouts.

The administration is right to oppose this provision; the Senate ought to show enough discipline to take it out. Don't count on it, though. On Wednesday, Senate Majority Leader Bill Frist (R-Tenn.) touted a letter to the president, joined by 35 of his colleagues, pledging to sustain a threatened veto if the spending package exceeds the administration's requested \$95.5 billion. That same day, the Senate voted by a veto-proof 72 to 26 against removing the farm spending and other provisions from the bill—current price tag, \$106.5 billion.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, if I may respond, on April 2 of this year, the rains ended. The Governor of Hawaii, in a most expeditious manner, gathered all the facts and filed a report with the President of the United States on April 10. That letter to the President requested that the President issue a declaration of disaster. It is now in the White House under consideration. It is unfortunate it is not before us, but we have been assured that it will be part of the declaration. I wish the record to show that the State of Hawaii did go through every regular step to make certain this request was done in the regular fashion.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3617. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

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

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—40

Alexander	Dole	Martinez
Allard	Ensign	McCain
Allen	Enzi	McConnell
Brownback	Feingold	Nelson (NE)
Bunning	Frist	Santorum
Burr	Graham	Sessions
Chafee	Grassley	Snowe
Coburn	Gregg	Sununu
Collins	Hagel	Thomas
Cornyn	Hutchison	Thune
Craig	Inhofe	Vitter
Crapo	Isakson	Voinovich
DeMint	Kyl	
DeWine	Lugar	

NAYS—59

Akaka	Dorgan	Murkowski
Baucus	Durbin	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Harkin	Obama
Biden	Hatch	Pryor
Bingaman	Inouye	Reed
Bond	Jeffords	Reid
Boxer	Johnson	Roberts
Burns	Kennedy	Salazar
Byrd	Kerry	Sarbanes
Cantwell	Kohl	Schumer
Carper	Landrieu	Shelby
Chambliss	Lautenberg	Smith
Clinton	Leahy	Specter
Cochran	Levin	Stabenow
Coleman	Lieberman	Stevens
Conrad	Lincoln	Talent
Dayton	Lott	Warner
Dodd	Menendez	Wyden
Domenici	Mikulski	

NOT VOTING—1

Rockefeller

The amendment (No. 3617) was rejected.

Mr. INOUE. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to discuss an amendment, filed by Senator NELSON of Florida and myself, joined by Senators LIEBERMAN, LAUTENBERG, KERRY our distinguished minority leader, that will provide serious resources, not just lipservice, to help us kick the oil addiction habit and put this country on a long-term path to real energy security. At a time when American families are spending exorbitant amounts to fill their cars and heat their homes, when this Nation is using ever increasing quantities of foreign oil, when our coastal communities are threatened by rising sea levels caused by global warming, we need a new approach. For the sake of our economy, our security, and our environment, we need to act now.

For years, this administration has promoted one course—more drilling. Instead of making the necessary and timely investments needed to push this country in the direction of a sustainable energy policy, the administration has beat one drum over and over again—drill, drill, drill. Drill in the Arctic, drill in our wilderness, drill off our beaches. This is not the way to kick our oil habit. The President claims to have seen the light, and now touts the virtues of efficiency and the importance of biofuels and renewable energy, and we applaud him. But he proposes to fund the Department of Energy's Efficiency and Renewables programs at the same level they were at in 2001, and he refuses to endorse higher mileage standards for automobiles, which are the same now as they were years ago.

Our energy situation has reached a critical point, and it is truly an emergency. Secretary of Energy Bodman even admitted on Sunday that we are facing a crisis. Gas prices are nearing their record highs, rising 41 cents in

the past month and over 54 cents since the Energy bill was signed into law last August. Many of the countries that we depend on for our oil are politically unstable or have unfriendly regimes. The Iranian situation, in particular, threatens to drive oil prices far higher. We can not allow our economy to be continually held hostage by the whims of OPEC.

This is not just about economic security. It is about national security. As former CIA Director James Woolsey testified before the Energy Committee, the hundreds of billions of dollars we send abroad each year to feed our oil addiction help to fund the very organizations that preach hatred for America.

We should have taken serious action years ago. The American people can afford to wait no longer. The Nelson-Menendez amendment provides the immediate funding we need to allow us to take control of our destiny and create a brighter, cleaner, and safer energy future for America. It provides \$3 billion for a wide range of efficiency, security, and research and development programs—programs the President talks about in glowing terms but does not propose to actually fund.

His 2007 budget barely includes half of the authorized funding for renewable energy research, and provides less than 2 percent for the incentives needed to encourage the installation and use of renewable energy. Our amendment would add \$50 million for renewable energy research and development in the Department of Energy, over \$100 million in renewable energy rebates for homes and small businesses, and \$200 million for the Department of Defense to do its part to meet the renewable energy goals set out by the President and in the law.

The administration has tried for years to portray efficiency as a vice, something that is totally inconsistent with the American way of life. Recently they have changed their tune, but not their actions. The President's budget actually cut energy efficiency programs by 13 percent. That simply astounds me. Few things are more effective for curbing our addiction to oil than becoming more energy efficient. A 2001 study by the National Academy of Sciences found that a \$7 billion investment in DOE energy efficiency programs had returned \$30 billion in benefits. That's better than 4 to 1. But the President cut efficiency programs by over a hundred million dollars. The weatherization program, which helps low-income families reduce fuel use and lower their energy bills, has been shown to provide well over \$3 of benefit for each \$1 spent. But the President proposed to slash that by nearly 30 percent.

Our amendment recognizes the tremendous benefit we as a Nation receive by becoming more efficient, and provides an additional \$300 million for energy efficiency programs, and another \$225 million for weatherization grants.

If we want to make a serious dent in our use of oil, however, we need to look at the transportation sector, which is responsible for two-thirds of our national oil consumption. While everyone seems to agree on the need to get more flex fuel and alternative-fuel vehicles on the road, and the urgency of producing cellulosic ethanol, the administration simply does not make the real financial commitment. But this amendment does. It provides \$150 million for vehicle research programs, \$350 million for the clean cities program, \$200 million for biomass research and development and \$250 million in production incentives for cellulosic fuels.

There are also provisions in this amendment to increase the reliability of our electricity grid, encourage the Federal Government to purchase alternative fuel vehicles, help improve the efficiency of aircraft, and much more. It is a large amendment because this is a large problem. Our economy, our environment, and our national security are all too important to be left to the best interests of OPEC and the giant oil companies. Skyrocketing gas prices have been a wake-up call for everyone, but even if we succeed in providing relief for American consumers, as my amendment last week would have done, we can not afford to go back to sleep on this issue. The American people expect us to get serious about our energy future, and they expect us to do it immediately. If we don't act now, when do we act?

So even though I fully recognize the rules of the Senate and understand the nature of the debate we are having today, I do believe we are in an emergent process as it relates to our energy independence, to our energy security, to giving consumers an opportunity for a break.

Therefore, I ask unanimous consent that any pending amendments be laid aside to call up amendment No. 3721 and that it be considered germane for the purposes of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask unanimous consent, the order for recess notwithstanding, I be allowed to speak for up to 10 minutes as if in morning business.

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

THE ECONOMY

Mr. BENNETT. Mr. President, last week we had numbers that came out with respect to the economy. We also had testimony from the chairman of the Federal Reserve Board with respect to the economy. And as recently as yesterday we had some stunning numbers that came out telling us what is happening in the economy. I would like to review those very quickly for the Members of the Senate.

This chart demonstrates that the economy remains strong. Last week's number said that economic growth in the first quarter was 4.8 percent.

As you can see on the chart, that is the highest number since we had the spike in 2003.

Each one of these dark figures represent a quarter and demonstrates that the economy has now grown ever since the end of the recession in 2001. We had weak growth for the first little while and then the economy has been growing very strongly ever since.

This is a very strong and vibrant economy, as Chairman Bernanke made clear in his testimony to the Joint Economic Committee.

People want to talk about jobs. Let us look at the unemployment rate.

If you will notice, the shaded areas in the chart represent the last three recessions. In the recession of the 1980s, unemployment got into double digits—10.8 percent is where it spiked. In the recession that occurred in the early 1990s, unemployment got to 7.8 percent—spiked at that point. In the recession we just had, unemployment spiked at 6.3 percent, a relatively low level, but it has been zinging ever since, and it is now at 4.7 percent.

I have sections of my State—and I trust others have in theirs—where there are more jobs than there are people, where people are looking for jobs. The unemployment rate is going down and demonstrating the strength of this economy as it generates new jobs.

Here is the flip side of that. This chart shows payroll jobs either lost or created.

Here, each bar represents a month. Starting in 2003, instead of losing jobs, we began to gain jobs each month. And there are over 5.1 million new payroll jobs that have been created since the Senate and the House passed the 2003 Tax Relief Act.

More Americans are working today than at any other time in our history. There are more jobs today than at any other time in our history. This is a consequence of the robust economy.

The next chart shows the growth of business investment. You will notice there are no dates. These are quarters. The red shows quarters in which business investment shrank and the blue shows quarters in which business investment grew.

I ask as a test for people: What is the date when the bars went from red to blue? We didn't put them on the chart. If you were to guess that it was the first quarter of 2003, the time when the tax cuts took effect, after which the tax cuts changed the pattern for business investment, you would be correct. You can see the dramatic difference between the quarters that preceded the tax relief and the quarters that succeeded it.

I would be the first to concede that it is not a pure cause-and-effect relationship. But I think the chart demonstrates that you cannot discount the fact that the tax cut had a significant beneficial effect on the economy.

Business activity continues to grow.

This chart gets a little bit busy, but the line in the middle is the line between growth and shrinkage. And the two graphs, the red one is the growth in services, the blue one is growth in manufacturing.

For those who say manufacturing is in trouble, look at the facts.

Again, starting in 2003, manufacturing crossed the line and became positive and has been positive ever since.

Yesterday this appeared in the Associated Press:

Manufacturing cranked up. Builders boosted construction spending to an all-time high, and consumers opened their wallets wider, fresh signs that the economy has snapped out of its end of the year slump.

This was the message coming from the latest patch of economic reports released Monday.

A report from the Institute for Supply Management showed that factory activity expanded with gusto in April. The group's manufacturing index rose to 57.3 in April; from 55.2 in March. The showing was much better than the predicted reading of 55 that economists were expecting.

So business activity continues to grow.

To tick off the facts of what has happened since May of 2003 when the tax cuts kicked in, real gross domestic product growth has averaged 4 percent; over 3½ million new payroll jobs have been created; the unemployment rate has fallen to 4.7 percent; manufacturing has expanded for 35 consecutive months; service industries expanded for 36 consecutive months; business investment has increased for 10 consecutive quarters, with growth averaging over 9 percent; inflation-adjusted after-tax income has grown by almost 5 percent; the Dow Jones Industrial Average is up 27 percent; the NASDAQ is up 44 percent; and, taxes paid on capital gains was \$80 billion dollars last year, compared to taxes paid on capital gains in 2002 which was \$49 billion.

We hear a lot of gloom and doom on this floor. We hear a lot of people talking about how bad things are. The facts do not support that.

The economy is strong. The economy is going forward, and the economy is in a boom period and has been since the tax cuts took effect in May of 2003.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2006—Continued

AMENDMENT NO. 3626, AS MODIFIED

Mr. VITTER. Mr. President, I ask unanimous consent to call up and pass amendment 3626, as modified. This amendment is noncontroversial but very much needed and has been cleared by both the majority and minority side and all leaders of the relevant committees.

Mr. COCHRAN. Reserving the right to object, No. 3626 is listed on one list of amendments I have as having been passed.

It is pending. It is a community disaster loan limits amendment.

Mr. VITTER. Precisely.

Mr. COCHRAN. Because of some question as to whether this is cleared on the Democratic side, I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. VITTER. Mr. President, I renew my request that amendment No. 3626, as modified, by Senator LANDRIEU and myself, be called up and passed by unanimous consent.

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

The question is on agreeing to the amendment.

The amendment (No. 3626), as modified, was agreed to.

AMENDMENT NO. 3641, DIVISION IV

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment 3641, division IV, be called up.

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

Mr. COBURN. We are considering a very large supplemental spending bill that now stands about \$10 billion larger than what the President has said he will sign. I thought it would be interesting to spend a minute to think about what \$1 billion is because we throw that number around so often. We need to consider that \$1 billion is a difficult number to comprehend.

A billion seconds ago, it was 1959. A billion minutes, ago Jesus was alive. A billion hours ago, some would say our ancestors were living in the stone age. A billion days ago, no one walked on Earth on two feet. A billion dollars was only 8 hours 20 minutes ago at the rate we are spending money in the Federal Government.

A billion is a hard number to get your arms around. It is an interesting number and \$10 billion more than what the President thinks we need. More than what we actually need is a tremendous amount of money.