

Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Woolsey
Wu

Wynn
Yarmuth
Young (FL)

Jackson-Lee
(TX)
Jefferson

Michaud
Miller, George
Mitchell

Serrano
Sestak
Shea-Porter

Terry
Thornberry
Tiahrt

Walden (OR)
Walsh (NY)
Wamp

Wilson (SC)
Wittman (VA)
Wolf

NOES—1

Young (AK)

NOT VOTING—41

Andrews
Bachus
Baird
Bilirakis
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Dicks
Doolittle
Gilchrest

Hall (NY)

Heller

Hinchey

Hinojosa

Hooley

Hulshof

Hunter

Johnson, Sam

Jones (NC)

Jones (OH)

McCarthy (CA)

McCarthy (NY)

McHenry

Meeks (NY)

Melancon

Miller (NC)

Oberstar

Pascarell

Peterson (PA)

Pryce (OH)

Rush

Speier

Stark

Udall (NM)

Waters

Watt

Weiner

Kennedy

Kildee

Kilpatrick

Kind

Klein (FL)

Kucinich

Lampson

Langevin

Larsen (WA)

Larson (CT)

Lee

Levin

Lewis (GA)

Lipinski

Loebsock

Lofgren, Zoe

Lowey

Lynch

Mahoney (FL)

Maloney (NY)

Markey

Marshall

Matheson

Matsui

McCarthy (NY)

McCollum (MN)

McDermott

McGovern

McIntyre

McNerney

McNulty

Meek (FL)

Meeks (NY)

Melancon

Moran (VA)

Murphy (CT)

Murphy, Patrick

Murtha

Nadler

Napolitano

Neal (MA)

Obey

Oliver

Ortiz

Pallone

Pascarell

Pastor

Payne

Perlmutter

Pomeroy

Price (NC)

Rahall

Reyes

Richardson

Rodriguez

Ross

Rothman

Roybal-Allard

Ruppersberger

Ryan (OH)

Salazar

Sanchez, Linda

T.

Sanchez, Loretta

Sarbanes

Schakowsky

Schiff

Schwartz

Scott (GA)

Scott (VA)

Slaughter

Smith (WA)

Snyder

Solis

Space

Spratt

Stark

Stupak

Sutton

Tanner

Tauscher

Taylor

Thompson (CA)

Thompson (MS)

Tierney

Towns

Tsongas

Udall (CO)

Van Hollen

Velázquez

Visclosky

Walz (MN)

Wasserman

Schultz

Waters

Watson

Waxman

Welch (VT)

Wexler

Wilson (OH)

Woolsey

Wynn

Yarmuth

NOT VOTING—36

Andrews

Bachus

Baird

Burton (IN)

Butterfield

Campbell (CA)

Carson

Coble

Cole (OK)

Conaway

DeFazio

Dicks

Doolittle

Garrett (NJ)

Gilchrest

Herger

Hooley

Hulshof

Hunter

Johnson, Sam

Jones (NC)

Jones (OH)

McHenry

Miller (NC)

Oberstar

Peterson (MN)

Peterson (PA)

Pryce (OH)

Rangel

Rush

Speier

Udall (NM)

Watt

Weiner

Weldon (FL)

Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1926

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. TIAHRT. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. TIAHRT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 180, not voting 36, as follows:

[Roll No. 266]

AYES—216

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler

Clarke

Clay

Cleaver

Clyburn

Cohen

Conyers

Cooper

Costa

Costello

Courtney

Cramer

Crowley

Cuellar

Cummings

Davis (AL)

Davis (CA)

Davis (IL)

Davis, Lincoln

DeGette

Delahunt

DeLauro

Dingell

Doggett

Donnelly

Doyle

Edwards

Ellison

Ellsworth

Emanuel

Engel

Farr

Fattah

Filner

Foster

Frank (MA)

Giffords

Gillibrand

Gonzalez

Gordon

Green, Al

Green, Gene

Grijalva

Gutierrez

Hall (NY)

Hare

Harman

Hastings (FL)

Herseth Sandlin

Higgins

Hill

Hinche

Hinojosa

Hirono

Hodes

Holden

Holt

Honda

Hoyer

Inlee

Israel

Aderholt

Akin

Alexander

Bachmann

Barrett (SC)

Bartlett (MD)

Barton (TX)

Biggart

Bilbray

Bilirakis

Bishop (UT)

Blackburn

Blunt

Boehner

Bonner

Bono Mack

Boozman

Boustany

Brady (TX)

Broun (GA)

Brown (SC)

Brown-Waite,

Ginny

Buchanan

Burgess

Buyer

Calvert

Camp (MI)

Cannon

Cantor

Capito

Carter

Castle

Chabot

Crenshaw

Cubin

Culberson

Davis (KY)

Davis, David

Davis, Tom

Deal (GA)

The Clerk read as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed not to recede to the provisions contained in subtitle A of title XII of the Senate amendment (relating to a permanent agriculture disaster assistance program).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from North Dakota (Mr. POMEROY) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, this motion to instruct conferees is simple. It would urge the farm bill conferees to not include a new permanent disaster program contained in the Senate-passed farm bill. The Senate-passed farm bill included a new and permanent disaster program which has been estimated to cost an additional \$5.1 billion.

First of all, I want to commend the House for not including the disaster title. It is not needed. We end up paying far more than we should in the regular subsidy programs; but to add a permanent disaster title is simply heaping too much on the taxpayers. As I go through some of this, you will see why.

According to the Congressional Research Service, since 1989 Congress has passed 35 appropriations authorizations or farm disaster acts that have added more than \$60 billion in supplemental funding to USDA programs with just under 8 percent of that coming in the last 10 years. An analysis by the Environmental Working Group showed the Federal Government provided \$26 billion in disaster relief payments between 1985 and 2005. Congress spent more than \$8 billion in disaster payments between 2002 and 2006, with an additional \$3.4 billion being made available for the 2008 omnibus for disaster payments for losses between 2005 and 2007.

So you see, we have regular subsidy programs that are awfully big, and then we are being asked to add a disaster title on top of that. When we debated the bill in 2002, the 2002 farm bill, the idea was to stop the expensive disaster assistance payments. Former Senator Daschle said at that time: "We are getting rid of these ad hoc disaster payments approaches. We are actually bringing down the cost of the Federal program."

So in essence we were basically including permanent disaster relief within the farm program in 2002. Or that is what was said at the time. And now we are being asked again, let's add another disaster title because we simply aren't subsidizing enough.

Representative LUCAS of Oklahoma said during that debate: "On the committee, both Republicans and Democrats worked to find a balanced bill so we would not have to come back to

Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager's amendment." Again, that was in 2002.

We were told if we passed the bill in 2002, we wouldn't have to come back again and again for disaster payments. But guess what, we were back the next year and the next year and the next year with disaster payments; and we are being asked again here to include a permanent disaster title. Now believe me, if we do this, next year we will be asked to add disaster payments again and the next year again and again. This is nothing more than an effort to increase the baseline, to increase more subsidies going out to farmers.

Representative POMEROY said in 2002: "There is a better way to go than to add ad hoc year-to-year disaster bills that leave the farmer and their lenders and their creditors not knowing where they stand. The better way is to put it in the farm bill, just like this bill does."

Let me remind you, that bill was passed. We did exactly what these Members said we should do in order to avoid ad hoc disaster payments henceforth. Guess what, we didn't. We have seen those payments again and again. Now we are being asked to include a permanent disaster title, only to see these payments again and again. It is simply too much.

When do we stand up and say enough is enough? The taxpayer is on the hook for too much.

Madam Speaker, I reserve the balance of my time.

Mr. POMEROY. Madam Speaker, I respond to the constructive tone of the proponent of the motion to instruct with just a few words of explanation.

Essentially there are two risks that farmers cannot control. One of them is if the prices collapse. And we have seen prices collapse often in the years I have been in the House below the cost of raising the crop. In that circumstance, farmers need help.

We also see the risk of production failure where weather and natural disasters produce a broad crop failure. Well, the 2002 farm bill referenced by my friend, Mr. FLAKE, restored protection for farmers when prices collapse. Prior to that restoration, we had a farm bill that did not respond when prices collapsed, and during the late 1990s we sought not one but two, maybe even three disaster bills to respond to the price collapse. The 2002 farm bill fixed that, and with price support payments that trigger when prices hit a certain low level, we have not had to come the disaster route to deal with price collapse again. The result has been a tremendous savings for taxpayers. We have a farm bill that only pays out when farmers need it, and billions of dollars have been reduced from the baseline for agriculture because the pricing environment has not required the Federal Government to step in with price support.

Now as a matter of budget principle, I would think that Mr. FLAKE, and we

all know he is ever-vigilant on budget matters, would very much like bringing disaster on the budget where it is paid for rather than rely on ad hoc disaster payments that are not paid for, that are emergency spending. And so that is what I want to focus on during the balance of my time.

We know that in our great Nation there will be production circumstances causing disaster losses, and we know that these are going to move around.

This is the U.S. drought monitor for midsummer 2006. We see a broad pattern of drought. The very next year we had other parts of the country facing a drought threat that really could produce disaster losses.

□ 1945

So we know that someplace in the country we're going to have extraordinary circumstances that will literally threaten the family farmers in that region.

Well, why don't we just move ahead then and, with this farm bill opportunity, address that issue, and that's precisely where the conferees are in terms of completing their work on this farm bill. They have a disaster component of this bill. It is paid for in the spending of the farm bill; no off-budget, no emergency spending. It's paid for in the farm bill. And what's more, it involves important reforms as well.

I expect my friend, Mr. FLAKE, and I agree that when you have ad hoc program, you don't necessarily have the reins around the spending as you'd like.

This bill is very spelled out. It only pays if the entire farm suffers a disaster loss as defined in the statute. Earlier ad hoc programs will pay if just a portion of the farm is hit with disaster-type losses. This is whole farm loss that's provided for.

And we require the farmer to maintain crop insurance. We don't want anybody relying on this disaster program as their risk protection. They've got to provide for their own risk protection with crop insurance, and this would only cover additional losses in the event of a disaster situation.

You might ask, why do you need that if you've got crop insurance? And it's well known that crop insurance leaves a significant percentage of the farmers' costs exposed.

Now, let me just tell you, as I wrap up, why this is so important. We have farmers putting in the most expensive crop in the history of U.S. agriculture. The bankers that I have been visiting with in recent days have told me that operating loans to our farmers are running 30 percent above the amounts last year because of the extraordinary costs our farmers are encountering.

I had a farmer tell me today that putting in his crop near Edgeley, North Dakota ran \$10,000 a day just for the fuel burned by the three tractors. \$10,000 a day. That means, while farmers usually put it all on the table and take enormous risk at the beginning of

a planting season, this year, more than ever before, they've got it all hanging out there. And if we don't have protections, those farmers that might find themselves in a disaster loss situation would take a hit that might very well threaten the continuation of that family farm.

So we think the best way to deal with this prospect of disaster losses is to put it in the farm bill, make sure that it's paid for, provided in the budget, and that's precisely what we have done.

I would resist the motion to instruct, and urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. FLAKE. The gentleman mentioned that having these permanent disaster titles built into the budget would be a good thing so we don't have the ad hoc disaster programs. I agree, it would be. But we've done that. That's how the last farm bill was sold to us; that yes, it's a bit bloated; yes, it's bigger than you'd like, but it's going to include disaster payment so we don't have to do ad hoc stuff anymore. We're going to build it into the budget.

I read several quotes. There are several more. Let me just read one more. Representative Combest of Texas said, "There is a safety net which is built into the program. I think, to my budget conscious colleagues, of which I am one, this is more of an honest way to deal with this problem than ad hoc disaster bill after disaster bill after disaster bill after disaster bill."

Now, that sounds just like what we heard. This was in 2002. And we've had many ad hoc disaster bills pass since that time. I guarantee you, if we pass this, with this large disaster bill attached to it, we'll see more disaster bills after this time.

The gentleman mentioned that disaster bills come to fill in the gaps when there are bad crop years. That's the purpose of it. In fact, we subsidize crop disaster insurance to the tune of about \$3 billion a year, I believe. We've had many programs, many bills to do that. But it hasn't seemed to work because we keep funding on top of that.

If you look at this chart, this chart will show 2002 through 2006, these were not particularly bad years. In the red you will see the subsidies that were given during this time. In the yellow you'll see disaster payments added on top of the programs. So you see, in good years, in bad, it doesn't matter. We seem to have crop disaster programs and money paid out every time, no matter what.

This next chart is quite telling. Shortly before the 2002 Congressional elections, the Bush administration faced growing pressure from ranchers and politicians in a handful of western States that were hit hard by drought. There was pressure to actually do something to help these ranchers.

The USDA responded with a plan to give ranchers cash payments based on how much livestock they owned. Now,

to qualify, a rancher had to be in a county that suffered from a drought and declared a disaster by the Agriculture Secretary in 2001 or 2002. Legislation was approved by Congress to extend the livestock program into January of 2003 as well.

Let me just give you one example of how this works. I'll go to this chart later. But all you have to do is to be in a county where some kind of disaster is declared. The rules were loosened so it didn't even have to be a weather-related disaster. Something else could trigger it as well. And all a farmer had to do is say, or a rancher had to do is say, I am from this county, therefore I deserve payment. Per head livestock payment. And that was paid out.

And you had counties that had no disaster at all, or parts of counties, in Arizona we have large counties, only 15 in the State, so you have parts of counties that perhaps weren't suffering any disaster at all where people were collecting payments.

But what you also had, and this will demonstrate the absurdity of the program we have now and the eligibility rules. In Texas here, on February 1, 2003, we had a very unfortunate incident where the Space Shuttle Columbia exploded over Texas, upon re-entry. It scattered over a certain part of the State. The President declared certain counties in Texas a disaster area in order to have emergency services go and collect the debris.

Because that was a national or, I'm sorry, a disaster declared in certain counties, all ranchers had to do in those counties is claim there's a disaster; I'm going to collect benefits for my livestock. And you had, literally, millions of dollars paid out to ranchers for their livestock because of a disaster, a space shuttle exploding over Texas.

Now, that will give you some idea of the eligibility rules that apply here. This, we make no effort in this legislation, nor have we made any effort in any others to really seriously tighten up these eligibility rules. And that is simply wrong to do this.

We are embarking again, let me remind you, in 2002 we were told, let's include a bigger bill, let's have a bigger bill that will include disaster relief, and then we won't need to come back anymore. We'll include it in the base bill. That's better budgeting.

That's exactly what we're hearing today, the same thing, but with no promise that we'll actually get rid, or that we'll actually cut other programs, go into the commodity programs, shave money here to pay it here. No, we're just increasing the baseline substantially.

And I should note, this is not paid for in the bill. The permanent disaster relief is above the base line. We're having to charge fees somewhere else to pay for this. So it's not in the bill. It's not paid for. It's actually above the baseline.

So let me just urge my colleagues, you know, we have a program here that

I think all of us, in our candid moments, realizes is out of control. We have subsidies going here that are well beyond what is required and necessary and right and proper. Yet, we continue to do this simply because it makes for good politics. I would think that we're better than that.

I would think that we can rise up, at least now, as the House did, frankly, and say, we shouldn't have a permanent disaster title. Again, I want to commend the House for doing that. But this is why this motion is to instruct the conferees to go with the House version and not the Senate version.

And I would ask my colleague, I would yield for just a minute, if you would, if we felt that a disaster title was so needed, why wasn't it included in the House bill, and why did we rely on the Senate to have it?

I yield 30 seconds to the gentleman.

Mr. POMEROY. I thank the gentleman for yielding. Because I yielded back my time, anticipating you were rising to close, if you would give me leave, I'll have about 2 minutes, 3 minutes of answers to that.

Mr. FLAKE. I will gladly yield.

Mr. POMEROY. I thank my friend.

First, there have been mistakes made in the administration of farm programs. And, for example, the gentleman's illustration about the Texas ranch issue relative to the space shuttle tragedy, that was not under an ad hoc disaster bill, but we believe it was very poor administration of relief under another program called section 32. We would hope that never happens again. Action is taken here to make certain that it doesn't.

The disaster bill precludes losses on livestock. Moreover, they can only go in areas designated by the Secretary as having sustained a disaster loss; at which time, in the legislation, it's specified that the whole farm of the applicant has to suffer a qualifying loss. So no more if you happen to live in an area where somebody else got hit, we got a check for you. That's done, and tightened up considerably under this program.

We think that all of those are good government provisions. We also addressed in the 2002 bill, and expect it to anticipate continuing in this bill, price support protection in the farm bill. So we have not had, since 2002, a disaster bill to respond to collapsed prices in the marketplace. We expect that that would absolutely continue. We've got a provision in the farm bill to respond to that. No ad hoc disaster required for price collapse.

And then the gentleman's question to me, I forgot. I yield back for clarification, and I'll respond directly.

Mr. FLAKE. Well, I'd just like to ask the gentleman. In 2002 didn't we hear exactly what we're hearing today, that if we include a permanent disaster title, that there will be no more need for disaster relief beyond this year?

Mr. POMEROY. Well, I can only speak for the comments the gentleman

quoted from my own debate. And what I was so happy about the 2002 bill is we were restoring a safety net for farmers when prices collapsed. During the earlier farm bill, known as Freedom to Farm, that protection had been taken away and we had to resort to ad hoc disaster bills when the prices collapsed. We took care of that in the last farm bill and we have not had a disaster bill on that since.

This disaster bill relates to production loss. And we're always going to have disasters in our country that bedevil some of our farmers relative to disaster dimension losses. We put them in the budget. We specify in tight reform language how the losses would be compensated. And we think it's good budgeting.

Mr. FLAKE. Reclaiming my time, we heard some of these same arguments in 2002, that we had tightened things up, and that we wouldn't have the ability to game the system. Yet I mentioned the shuttle disaster as one of the more egregious examples. There are plenty of others.

For example, after the Katrina disaster, part of the programs that we have allow, if prices drop substantially, that prices can be locked in at a certain price, and then farmers can go sell on the market afterwards. The system was gamed at that point; to the loss, to the tune of a couple of billion dollars. These were imaginary losses. These were not real losses.

Mr. POMEROY. Will the gentleman yield on that?

Mr. FLAKE. Just 15 seconds, if I could.

Mr. POMEROY. We fixed the Katrina issue. That's another provision, not a disaster provision. That's a provision that relates to what's called beneficial interest, and we make adjustments reforms along the lines sought by the White House on that one.

□ 2000

Mr. FLAKE. Madam Speaker, I would simply say in response to that, this is what we heard in 2002, that we have fixed these loopholes, that this has tightened up. We won't have to have ad hoc disaster payments. There are several types. I mentioned the number of bills that have been passed to provide this type of disaster relief, whether it was for livestock or crop loss or something else. We just passed a myriad of bills to do that. And every time we hear, We've tightened it up; if you just give us a little higher baseline, if you just increase it a little more, then we promise we won't come back again and again and again. And here we are. We're back doing the same thing again.

I would submit, Madam Speaker, that we simply can't do this any more. We simply can't do this.

Let me go to this chart for a minute. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. FLAKE. I assure my colleagues I won't take my entire 15 minutes, but let me point out this chart right here.

These are areas that have received disaster payments in 11 of the past 21 years. When you think disaster payments, you think this is something that happens once every decade or once every century or something that is an odd occurrence. It doesn't always occur. Yet here we see, look at these dots here. One, you can tell they're highly concentrated. Certain areas keep going back for more again and again and again. These areas where you see the dots received disaster payments 11 out of the last 21 years. One dot equals one recipient here.

Now 11 out of the past 21 years, if you do the math right, that's better than once every 2 years people are coming back for disaster payments, catastrophic losses of some type or another. So the notion that we're taking care of it all, that we won't have any more catastrophic disasters, I think is blown away by this chart because we see again and again.

Another thing that's quite notable with this chart is you see there is a very political disbursement here. I will point out one place, right here at the top of Arkansas. You will see a smattering of dots where this represents, believe me, millions and millions and millions of taxpayer dollars going to disaster relief. But something funny happens here. Once you cross the State line into Missouri, virtually no dots at all. Very little was received at all.

Now, unless droughts respect State boundaries right along the State line, or a tornado is deterred by a barbed wire fence, then this is political. There is no other way to explain this. You look down here near the panhandle of Florida into Georgia and whatnot, there are a lot, and then as soon as you cross over that State line, virtually nothing.

What this suggests to me, and I'm sure anybody who looks at it in candor would say, There's probably a very active farm service organization there that is applying for these grants and going after that drought relief for whatever it's for.

But you have to concede there is no other way to explain this than to see that this is extremely political. That's how it happens. That's how it happened after 2002 when the White House was under much pressure to provide disaster relief before the election was coming up. It doesn't just happen under Democrat's administrations; it happens under Republicans and everyone. We shouldn't allow this to happen.

Let me just close by saying, again, we heard this in 2002, we're hearing it again. We bought it then. We shouldn't have. Let's not include this \$5.1 billion disaster program. I'm hearing that it's down to \$3.8. That's maybe a good sign.

Mr. POMEROY. If the gentleman would yield, I think it's the gentleman's motion so he has the right to close.

Mr. FLAKE. I would yield 15 seconds.

Mr. POMEROY. Actually, I'm going to ask unanimous consent to get a cou-

ple of minutes of my time back, 2 minutes of my time back, to basically put in perspective some of the points the gentleman has raised; and then you might want to reserve your time so you have the opportunity to close.

Mr. FLAKE. Madam Speaker, I will reserve.

Mr. POMEROY. Madam Speaker, I ask for 2 minutes of my time back that I yielded.

Mr. FLAKE. Madam Speaker, I will yield 2 minutes to the gentleman.

Mr. POMEROY. Madam Speaker, I will speak under Mr. FLAKE's time, and thank you for yielding.

The reason I yielded back was because I thought this was about ready to draw to a close. There are a couple of points that I do want to make and believe the record needs to make clear.

First, under the last farm bill, we haven't added billions. We've reduced billions from the baseline for agriculture. Because we stopped the ad hoc disaster response when prices collapsed, we had a provision in the farm bill to respond when prices collapsed. Guess what? Prices did not collapse, and the farm bill did not need to extend itself to help farmers. The market took care of the farmers. That saved, over the last farm bill, \$18 billion off of the baseline in commodity payments.

Now, what happens as we try to build the farm bill this year? It means we have \$18 billion less to do it. We have come up with a farm bill that has additional spending, every dollar of it paid for without raising taxes.

And so this farm bill is a very tightly constructed, paid-for farm bill in contrast to the last farm bill where \$73 billion was added to the baseline, none of it paid for, under the Republican majority that previously ruled this Congress.

The final point I would make is that we are going to have disasters. They will threaten the very continuation of family farms across this country. It depends who happens to be afflicted with the disaster at a certain point in time. The option before this Congress is we're either going to prefund, pay for, and budget a disaster response anticipating these losses, or we're going to continue to rely on ad hoc, off-the-budget responses, which we believe is a less responsible way to proceed.

I thank the gentleman for yielding and allowing me to make these rebuttal points.

Mr. FLAKE. Madam Speaker, I would yield 15 seconds. The question I had asked before of the gentleman is why didn't the House include the disaster.

Mr. POMEROY. I thank the gentleman for yielding.

Essentially, we didn't have the funding in place to support a paid-for disaster bill. Later, negotiations between House and Senate negotiators, and I have been right in the middle of it, found ways to fund the bill, and at that point in time, the disaster title came back in.

Mr. FLAKE. Madam Speaker, I thank the gentleman.

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

Mr. POMEROY. If I just can respond briefly.

Mr. FLAKE. Sure.

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

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

Mr. FLAKE. I thank the gentleman.

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

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

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

I would urge support for this motion to instruct.

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

I yield back the balance of my time.

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

ADJOURNMENT

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

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

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

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

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

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

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

EXECUTIVE COMMUNICATIONS, ETC.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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