

I also inform all Members we still don't have particulars resolved on the budget. There are a number of alternatives. We can't do anything on it until we get the legislation from the House. They are going to take that up sometime this afternoon. As I said, the alternatives are, when it gets here we run out—I think there was at least a gentleman's agreement, although not on the record, that the 4 hours we used yesterday would run against the 10 hours, so we would have 6 hours to complete that today. We would vote sometime this evening on that. That is one alternative.

The other alternative is to consider all talking over with. I am sure we need to hear more on the budget, but that would be one alternative. We could come back after the recess at a time—when a vote is this close I think I need authority to determine when the vote would take place, but we would have 15 minutes of debate on that, and then we would vote on the budget. So that is what we are working on. We do not have it done yet.

Mr. MCCONNELL. If the majority leader would yield for a question.

Mr. REID. I will be happy to.

Mr. MCCONNELL. Is the Senator suggesting we do the farm bill around 2?

Mr. REID. Yes. I say to my distinguished colleague, counterpart, we would complete the debate on that and that debate would be 15 minutes with Senator GREGG, 15 minutes divided between Senators HARKIN and CHAMBLISS, a total of 30 minutes. We would do that in the next hour and 10 minutes and then vote at 2 o'clock.

Mr. MCCONNELL. That would be the last vote prior to—

Mr. REID. That, I say to my friend, we don't have resolved yet. We have to work out the time on the budget. I think, even though it is early Thursday and we are used to working late on Thursday and most all day Friday, we could make an exception and try to get out somewhat early on Thursday. But we have to work that out with you folks, as to how we would do the time. We could ask for a show of hands, asking if we want to finish, if we should have the vote tonight. I don't think the show of hands would be helpful to what I wish to accomplish. So we are going to try to do the second alternative, use all the time; when we come back, we will have a time certain—not a time certain but fairly certain—and we will try to have it on Monday or Tuesday when we get back, to have a vote on passage of the budget.

Mr. President, I ask unanimous consent that, when the Senate considers the conference report to accompany S. Con. Res. 70, the budget resolution—

The PRESIDING OFFICER. Can we have order in the Chamber, please. The majority leader.

Mr. REID. Mr. President, I am going to offer two unanimous consent requests. If they are both approved, then we will have no more votes today, other than the one on the override of the President's veto on the farm bill.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 2419

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the veto message on H.R. 2419 and there be 1 hour of debate—we picked up a half hour. That is what happens when you take a little time off.

I ask unanimous consent that the Senate now proceed to the veto message on H.R. 2419, there be 1 hour of debate, divided as follows: 15 minutes equally divided between Senators CHAMBLISS and HARKIN or their designees, 15 minutes under the control of Senator GREGG, and the remaining 30 minutes to be divided between the leaders or their designees; that upon the yielding back or use of that time, the message be set aside until 2 o'clock; that at 2 o'clock the Senate proceed to vote on passage of the bill, the objections of the President to the contrary notwithstanding, with no intervening action or debate.

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

#### UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 70

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate considers the conference report to accompany S. Con. Res. 70, the concurrent budget resolution, all statutory time be yielded back except for 15 minutes to be equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the vote on the adoption of the conference report occur at a time to be determined by the majority leader, following consultation with the Republican leader.

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

Mr. REID. Mr. President, I would say one thing. It appears we do much better when we don't have debate between votes. See how fast it went today. I think all the talking does is confuse us.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FOOD, CONSERVATION, AND ENERGY ACT OF 2008—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the clerk will report the veto message on H.R. 2419.

The legislative clerk read as follows:

Veto message to accompany H.R. 2419, entitled an Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes.

Mr. HARKIN. Parliamentary inquiry: I understand under the agreement, we

each have 7½ minutes; that Senator GREGG has 15 minutes; and the two leaders have reserved 15 minutes each?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, again for Senators and those staff who are watching, now we are on the override of the veto of the farm bill conference report we passed here last week.

To remind everyone, that bill, as you know, passed here overwhelmingly 81 to 15, a remarkable margin for a farm bill. It was widely supported on both sides of the aisle and by regions of the country, so we were very pleased with that outcome and that vote.

Of course it had passed the House with 318 votes; so again a very strong vote on the bill. It went to the President. We were hoping that maybe he would not veto it, but the President did exercise his constitutional right and he vetoed the bill.

The farm bill came back to the House yesterday and the House overrode the veto 316 to 108. So basically what we have before us is exactly what we voted on last week and approved with 81 votes but for one thing: The farm bill is missing a title.

Let me try to be as succinct as I can in this. What happened is when the enrolling clerk on the House side enrolled the bill and sent it to the President, the clerk did not put in title III, which includes the several Department of Agriculture trade programs and food assistance programs for foreign countries, mainly the P.L. 480, Food for Peace Program, the delivery of which goes through USAID, and other programs. So the President vetoed the enrolled bill which is missing that title. Well, I know Senator CHAMBLISS and I and others have had numerous phone calls and conversations with Parliamentarians and others to figure this out. The enrolled bill is properly attested to and fully effective and valid as to all of the provisions it contains. We will have to enact title III in another legislative measure. Again, I remind everyone, its omission was inadvertent. It was an innocent mistake; maybe inexcusable, but nevertheless an innocent mistake that title III was dropped out.

But for that title III, everything else in this bill is exactly what we approved with 81 votes. So I am here to ask Members to vote to override the President's veto and to make this bill the law of the land in accordance with the overwhelming wishes of both the Senate and the House.

This bill is a good bill, as I said earlier. It responds to needs all over this country, from farmers and small towns and rural areas to Americans in urban areas. The largest part of the bill is nutrition and food assistance. Over two-thirds of the total spending in this bill goes to nutrition. This bill does more to strengthen Federal food assistance than any bill we have passed since George Herbert Walker Bush was the President.

This bill does a lot for food assistance for low-income people. Basically all the added money above the budget baseline that we put into this bill goes for nutrition. We increase the food supplies to food banks. Our Nation's food banks are getting hit pretty hard. We put \$1.2 billion into supplying them with more food. I might add, one of the reasons we must enact this bill in a hurry is because food banks are hurting. As soon as this bill becomes law with this override, \$50 million will get out immediately to our food pantries and food banks across the country.

We also in this bill, as you know, provided more money to help growers of specialty crops, fruits and vegetables, than we ever have before. We include in this legislation a higher level of funding than in any previous farm bill for helping farmers and ranchers in conserving our natural resources, saving soil, cleaning up our water and our streams, protecting wildlife habitat.

Look at it this way: Of the combined total spending in this bill on commodity and conservation programs, 41 percent of that total is devoted to conservation. That is slightly more than double the highest percentage share for conservation in any previous farm bill.

The rural development title helps rural communities through a number of new initiatives, including a stronger broadband program, and by devoting mandatory funding for water and wastewater systems to fund some of the tremendous backlog of qualified applications that are on hold.

We have in this bill several important initiatives and improvements in programs to help beginning farmers. We improve the farm income protection system in various ways, including for dairy farmers, yet attain budget savings in the title of the bill covering commodity programs. We have a new option in here, a new reform, called the Average Crop Revenue Election, or ACRE, Program. This is going to be very significant for farmers to be able to choose whether to stay under the current farm program or do they go to the new program of income protection based on revenue.

I read the editorial in the Washington Post this morning and, of course, they have never editorially, as far as I know, ever supported a farm bill, at least in my time here. I have to take exception to one thing they said in the editorial this morning. They are talking about the ACRE Program, claiming how it will be some kind of boondoggle for farmers. They say here:

[It] means farmers would get paid if prices fall back to the historical and, for farmers, perfectly profitable norms.

If the prices that our Nation's farmers receive for their grain and other commodities fall back to what the Washington Post calls "historical norms," we will have tremendous economic hardship in the countryside. Here is why I say that: What the Post is missing is that from 2002 to 2009, the production costs for farmers have sky-

rocketed. The gasoline prices we are paying at the pump, farmers have got to pay even more for the diesel fuel for their tractors, for their combines. For example, fertilizer costs for producing corn are up 141 percent in 7 years. From 2002 to 2009, the cost of production for corn is up 22 percent; soybeans up 28 percent; wheat up 28 percent.

Now, if prices, God forbid, should fall to the levels they were before 2002, farmers will be wiped out all over this country. We will have bankruptcies and families forced out of farming on a huge scale.

That is why we have the ACRE Program to reflect the new realities, the new realities of what farmers have to pay for their fertilizer, their fuel, their equipment, their land. All of these expenses have gone up tremendously. We need a program that helps farmers deal with those higher costs and potential volatility in market prices for commodities, and that is why we put this new program in. It is a reform. It is one of the features of this bill that I believe will help family farms survive in America. So, again, this is a good, solid bill, the same bill we voted on last week minus title III, which we will enact later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, as my chairman said, I think everything that could be said about this bill has been said. We were on the floor off and on for a couple of weeks, and we, at the end of the day, after a lot of controversial votes and whatnot, achieved a milestone in the Senate for farm bills; that is, we had 81 Members of the Senate who voted in favor of this bill. It is not a perfect bill, but it is a very good bill for any number of reasons.

In the commodity title, we are spending significantly less money on our so-called subsidy program. I refer to it as an investment by the Government in agriculture, because that is exactly what it is. We are not guaranteeing farmers any kind of income. In fact, under the way this bill is written, the prices being what they are at the farm gate today, very little, if any, in the way of payments is going to be going from Washington to farmers. That is the way it ought to be. That is the way farmers want it. They would rather get the stream of income from the marketplace. Certainly that is the way we, as policymakers, want to see it happen. That is what will happen.

We have made significant changes in the payment limit provision. We have AGIs in this bill now that have never been thought of before. Nobody ever thought we would achieve the number we did from an AGI standpoint. But it is real reform. It is going to work.

We are also eliminating the three-entity rule. Again, if you had told anybody in this distinguished Senate 3 years ago that we would be eliminating the three-entity rule in the farm bill, you would have gotten blank stares.

Nobody ever thought that would happen, but we were willing to make those kinds of reforms.

In the conservation title, we have expanded a number of programs, but we have done something significant in the conservation title. For the first time ever we are applying payment limits to the conservation title. So the so-called millionaires that have been beneficiaries of the conservation title in years past are no longer going to be able to participate in that program, and they should not.

I am pretty excited about the energy title. In my part of the world, we do not grow corn with the abundance that the Midwest part of the country does. Therefore, we are a little bit handicapped when it comes to the construction and manufacturing facilities to produce ethanol. Because out of the 201 ethanol-producing facilities that are in place or will be in place over the next 18 months, all but 2 of them are resourced with corn. The two that are not resourced with corn happen to be resourced with cellulosic products. One of them is in my State.

I am very proud of the fact that we are going to have a facility in Soperton, GA, that is under construction right now by Range Fuels that is going to produce ethanol from pine trees, because I will match our ability to grow a pine tree with anybody else in the country. It is a resource that is not going to increase the cost of food, which is an unintended consequence of the use of corn for the production of ethanol.

The title I am just as excited about is the nutrition title. We are seeing an expansion of the nutrition title again like none of us ever imagined we would see in this farm bill. Most people across America think because of what they read in the Washington Post and the Wall Street Journal and the Atlanta Constitution that farm bills are strictly payments to farmers when, in fact, about 11 percent of the outlays in this bill go to the commodity title which goes to farmers.

About 73 percent of the outlays in this bill go to the nutrition title to provide for the food stamp program, to provide for the school lunch program, to provide for payments to our food banks. All of those programs are designed to feed people who are hungry and needy in this country. We are the most abundant country in the world from an agricultural standpoint. We have the ability to feed people inside of America as well as outside of America, and we have an obligation to do that. In the nutrition title, that is exactly what we are going to be doing.

This is a bill that has been talked about an awful lot. And, again, it is not a perfect bill. There are some provisions in it that I wish were not in it. But it is a massive piece of legislation, as is every farm bill, and we have to reach compromise to be able to get a bill of that massive size passed by the House and by the Senate.

We did accommodate the White House. We negotiated very diligently with the White House. We moved a long way in the direction of the White House. They did not get everything they wanted, and we did not get everything we wanted. At the end of the day, we passed it with a big vote. And the White House, unfortunately, decided we did not move far enough for them. Obviously that caused the President's veto to the bill. At the end of the day here today, we are going to have at least 14 of the 15 titles hopefully passed into law.

I do not know what happened to the one title. They tell us that a clerk on the House side failed to include 33 pages of title III in the bill that was transmitted from the House to the White House.

Those things happen. Now it is up to us to figure out the best way to efficiently and in an expeditious manner fix the problem and move ahead to allow farmers and ranchers to have some certainty as they move into the planting season of 2008.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I understand I have 15 minutes under the prior order.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, we are here to vote on the override of some portion of the farm bill which the President has vetoed. First, there is the great irony that the bill we are voting on isn't the bill that passed the Senate or the House. It is some element of that bill, other parts of the bill having not made it to the President. That sort of becomes an allegory for this entire exercise. This is a bill that really doesn't do the job it should, is incomplete in the sense that it fails the American taxpayer and consumer, and is misguided in that it spends a great deal of money, perverting the marketplace relative to the production of agricultural products. But we are here because of what was a bureaucratic snafu, I presume.

We all know the President's veto is going to be overridden, but the President was right to veto this bill. He was absolutely right. I said earlier—I know my colleagues take this in the sense of irony with which I make it, not in any personal way—this bill truly is a product of commissar politics, of the old approach that we saw years ago in countries that thought that they could have a top-down management of their farm production system.

I said in my earlier talk, where did all the economists who worked in the Soviet Union go, all those folks who sat behind desks and thought about 5-year plans and how to disconnect supply from demand and how to set arbitrary prices which caused the Soviet Union, a nation which was one of the great producers of agricultural prod-

ucts, to become basically a net importer of product? Where did all those economists go when the Soviet Union failed? It appears they moved to the Midwest and the South and developed our farm programs.

These programs have no relationship to the market or setting prices for commodities, which are basically totally out of tune with the market. They have no relationship to market forces. As a result, the American consumer ends up with a much higher bill and the short end of the stick.

Take sugar alone. Sugar prices in this bill are at least twice the world price for sugar. So the American consumer ends up getting hit for a much higher cost for any product that uses sugar. And just about any food commodity of any complexity uses sugar.

In addition, you have the huge effort to subsidize ethanol, which has driven up dramatically the price of corn and has the effect of basically creating an international incident in the area of food availability. We are hearing from numerous countries around the world that are finding they have shortages of other commodities because the American subsidization of ethanol has perverted the marketplace relative to the production of corn. That certainly is inappropriate. So the policy of this bill is not only an attack on the American consumer, it is basically bad policy for the world population just trying to make it through and avoid hunger.

In addition, this bill sets up all sorts of new programs, programs which make no sense on their face but which are in here because they have somebody who is protecting their initiatives, their ideas, their purposes. We have a new program for asparagus, a new program for chickpeas, an initiative for a National Sheep and Goat Industry Improvement Center, a new program that creates a stress management network for farmers. Then, according to the Washington Post—and I was not aware of this—there is the potential for a \$16 billion boondoggle for agricultural products because of the new way that prices are set and payments are made, setting prices at their present high level, setting subsidy rates at their present high level under this new program called ACRE.

I ask unanimous consent to print in the RECORD the editorial of today's Washington Post which does a much better job than I of explaining how outrageous this new subsidy is and how much it will cost the American consumer, \$16 billion.

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

[From the Washington Post, May 22, 2008]

PASTURE OF PLENTY: YOU THOUGHT YOU KNEW HOW BAD THE FARM BILL WAS

"Life is like a box of chocolates," Forrest Gump's mother used to say. "You never know what you're going to get." The same could be said of federal agricultural legislation. Arcane and often irrational, its subsidy provision can be difficult to understand and,

sometimes, even difficult to identify. Even after Congress passed a subsidy-riddled 673-page farm bill last week, with a price tag conservatively set at \$289 billion, it was not entirely clear just how big a burden lawmakers had imposed on taxpayers. Now, however, the fine print is coming into focus, and—surprise!—the bill could authorize up to \$16 billion more in crop subsidies than previously projected, according to the Agriculture Department.

The culprit is a new program called Average Crop Revenue Election, or ACRE for short. ACRE gives farmers an alternative to direct payments, which come regardless of how much money they make, and other subsidies. Starting in 2009, farmers can choose to trade in some of their traditional subsidies in return for a government promise to make up 90 percent of the difference between what they actually made from farming and their usual income. In principle, this provides farmers a federal safety net only in those years when prices or yields fall drastically—that is, when they really need one. Congress added the optional ACRE program to the bill as a sop to reformers who, sensibly, wanted to replace the current subsidy system with a simpler insurance-style program. Such a wholesale change would, indeed, have been a real reform. But since the farm bill continued direct payments and other old-style subsidies, no one expected huge numbers of farmers to volunteer for the new ACRE deal.

Then farmers got a look at the bill's formula for determining benefits under ACRE. It pegs the subsidies to current, record-high prices for grain, meaning farmers would get paid if prices fall back to their historical and, for farmers, perfectly profitable norms. A program that started out as streamlined insurance policy against extraordinary hardship has mutated into a possible guarantee of extraordinary prosperity. Small wonder that, as The Post's Dan Morgan reports, a farming blog is urging farmers to sign up for ACRE, which it describes as "lucrative beyond expectations."

The farm bill's defenders insist that a budgetary disaster will not come to pass, because grain prices will not come down much during the five years the bill will be in effect. "The program does not look excessively expensive for the lifetime of the farm bill," said Rep. Robert W. Goodlatte (Va.), the ranking Republican on the House Agriculture Committee. In other words, even if they don't have to pay extra for ACRE, Americans will have to pay higher food prices—so they may as well get used to it. None of the legislators who rushed to override President Bush's veto of the bill yesterday will have the decency to blush the next time they pontificate about fiscal responsibility. But we can only wonder what other expensive surprise still lurk within this profoundly wasteful legislation.

Mr. GREGG. This bill has a lot of substantive problems. It probably will aggravate food consumption for nations around the world, their ability to produce product, and certainly dramatically increase the cost of product in the United States. It perverts the marketplace so a product that might be produced more efficiently would not be produced more efficiently. It spends a heck of a lot of money, \$289 billion.

As we have seen, once again, it uses all sorts of budget gimmicks—when it was originally passed, and it will have to be replaced, or parts of it will be because of the bureaucratic snafu—to get around the rules of the Senate and the

House, for that matter, in the area of trying to discipline spending. There is \$18 billion worth of budget gimmicks in this bill.

Then we just had a new budget avoidance exercise when the chairman of the Budget Committee declared that the new baseline under a new budget—this bill would have violated the original baseline, as was in that new budget—will now be adjusted so this bill would not violate that baseline—another exercise, unfortunately, in gaming the pay-go rules. The budget chairman has a right to do that, but it cannot be denied that is an effort to try to get around pay-go rules, as they should be applied under the budget we will be passing the week after next. So there is 18 billion dollars' worth of budget gimmicks in this bill; the worst, of course, the changing of years and the assumption that some program, which we know is going to continue, will terminate at an arbitrary date so that you can spend the money up to that date and claim there is no budget failure and, then, later on, adjust it, put the program back in place, and avoid the budget pay-go rules—really inappropriate, to say the least, in the way this has been handled.

It is, of course, a bill that comes to the floor every 4 or 5 years. But the problem is, every 4 or 5 years the American consumer gets basically hit beside the head by this bill. Last time I spoke, I said they get hit beside the head with a lamb chop and they end up with a black eye the next day. As a result, I thought I would just stay away from that statement. But the fact is, the American consumer isn't doing very well under this bill. The American taxpayer is doing worse.

There is a claim that there is reform in this bill which is fairly specious on its face, considering all the new programs added to the bill, such as asparagus. One of the reforms they claim is that they are not going to pay farmers who have high incomes outrageous subsidies. Today you can get \$2.5 million theoretically.

Well, unfortunately, the way the bill is structured, they say that, but that is not the way it works. Under this bill, a person with \$500,000 of nonfarm income and \$750,000 of farm income can still get the subsidy. If they are married, their spouse can have \$500,000 of nonfarm income and \$750,000 of farm income, so they end up basically with approximately the same amount of subsidy. Yet it is alleged this is some sort of major reform. It is not reform. It is simply an attempt to obfuscate the fact that these subsidies go to extremely wealthy people on products that should compete in the marketplace for a price and should not be subsidized in the manner in which this bill subsidizes.

Obviously, we are going to lose this vote because the way the farm bill is put together—and the American people should know this—one commodity goes to the next commodity and says: We

will vote for your commodity, even though it is in my State and not in yours, as long as you will vote for my commodity which is in my State but not in yours. You go around the country and you pick up commodities. That is why asparagus has appeared here. Somebody in an asparagus district said: If you will cover asparagus and give us a new subsidy, you will get my vote for all the other subsidies in this bill.

That is the way it works. It is called log rolling. That is the historical term that comes out of the 1800s. But it is not the way to legislate. Certainly, it isn't a healthy way to legislate. It certainly takes the concept of using the market completely out of the exercise of developing a farm bill.

This farm bill runs counter to all the concepts of a free market society from which this country has benefited so dramatically and which we believe to be true and effective ways to produce product and control costs and to make product more cost-effective for the people who use it. Adam Smith was right; Karl Marx was wrong. Under this bill, one would think Karl Marx was right and Adam Smith was wrong. This is top down, let's manage the economy, let's set arbitrary prices that have no relationship to production, supply, or demand in place of going to a market where you use supply and demand to determine what will be produced.

I suppose if Patrick Henry were around today, his famous statement would have to be modified. He would have to say: Give me asparagus or give me death. That is what this bill has come down to.

We either get these farm subsidies and get the consumer rolled and the taxpayer rolled or we don't get anything around here.

As a practical matter, I, obviously, know I will lose this vote. The President knew he was going to lose this vote when he vetoed the bill. But he was absolutely right in doing so. It was the appropriate decision. It was the fiscally responsible decision. It was also a good decision from the standpoint of not only domestic policy but international policy, where we are seeing strains on production of commodities for the purposes of feeding people.

I regret we are going down this path one more time. We have been down it a few times in the past. But the simple fact is, the forces that support, for example, the sugar subsidy are too strong to be able to give the taxpayers a break.

I reserve the remainder of my time and yield the floor.

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. Displays of approval or disapproval are not appropriate from the galleries.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand the leader on this side has 15 minutes reserved; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I yield whatever time the Senator from North Dakota desires from the leader's time.

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

The Senator from North Dakota.

Mr. CONRAD. Could the Chair alert me after I have consumed 10 minutes?

The PRESIDING OFFICER. The Senator will be notified.

Mr. CONRAD. Mr. President, we ought to get straight world agriculture economics. The Senator from New Hampshire, for whom I have high regard, has been a consistent opponent of a national agriculture policy, one that has produced for our country the lowest priced food in world history, measured by a share of our national income. Not only do we have the lowest cost food in the history of the world as a share of our income, we also have the safest supply, the most stable supply, the most abundant supply. Something is working. Beyond that, he does not deal with world agriculture as it is.

Our major competitors are the Europeans. We have about equal shares of the world market. But here is what they do to support their producers versus what we do to support ours. They are spending \$134 billion to support their producers while we spend \$43 billion. That is more than a 3-to-1 ratio.

What happens if you pull the rug out from under our producers? Mass bankruptcy. It is one thing to ask our producers to go up and compete against the French farmer and the German farmer. They are happy to do that. It is quite another issue to compete against the French Government and the German Government as well. That is not a fair fight. That is why it is essential we have a farm policy in this country.

Now, my colleague on the other side said a whole series of things about the cost of this bill, the scoring of this bill, that are not so. This administration has said this bill costs \$20 billion more than the baseline. No, it does not. According to the Congressional Budget Office—that is independent, that is nonpartisan, that is professional—this bill costs \$10 billion above the baseline. End of story. What the administration is talking about and what the Senator from New Hampshire is talking about are fictional numbers based on made-up scorekeeping that the administration has never applied to its own legislation or budgets.

Under Congressional Budget Office scoring, our farm bill spends \$10 billion baseline over the budget window. That is not my number; that is the number from CBO, which is nonpartisan, professional, and independent.

The \$10 billion is offset with \$10 billion in outlay reductions from Customs user fees. Every penny of new spending is paid for.

On the tax side, we are paying for agriculture tax relief with agriculture tax reforms, such as a reduction in the ethanol credit and Schedule F reforms to limit the use of farming losses to

shelter off-farm income. There is no tax increase.

The administration argues the farm bill contains timing shifts. That is true. But that is also true of almost all major legislation dealing with revenues or mandatory spending. That is what we do to true up the numbers between the timeframes where various budget requirements are imposed. The simple fact is, when you do major reform such as we are doing in this bill, you change programs, you change payment schedules. That is precisely what one would expect. These changes have real-world consequences for farmers. They are making crop insurance payments earlier, for example, under this bill, and getting farm program payments later. That has a real-world cost.

The administration has repeatedly used timing shifts, itself, in legislation it has proposed. In fact, the timing shifts in this bill pale in comparison to the cost of sunsetting the tax cuts which the President had in his tax packages repeatedly.

Now, in terms of where the money goes, 66 percent of the money in this bill goes for nutrition—two-thirds. Nine percent goes for conservation. Only 14 percent—actually, less than 14 percent—goes for the so-called commodities. That is a dramatic reduction from the last farm bill. In the last farm bill, three-quarters of 1 percent of the Federal budget went to support commodities. In this bill, it is one-quarter of 1 percent of the entire Federal budget going to support farmers and ranchers. That is a dramatic change.

The Senator from New Hampshire mocked the reform elements in the bill. They are not to be mocked. They are very real. We have a dramatic reduction in the adjusted gross income limits that will apply in order to qualify for farm program payments. One example: Nonfarm income used to be a \$2.5 million limit. It is reduced to \$500,000 in this bill.

We require direct attribution in this bill. That means it has to be a living, breathing human being collecting these payments; no paper entities. We have eliminated the three-entity rule that was consistently used to get around farm program limits. We have reduced direct payments by \$300 million. We have reformed Schedule F to prevent the abusive use of nonoperating losses to shield nonfarm income—a savings of over \$450 million. We have crop insurance reform of over \$5.6 billion. We have decreased the corn ethanol support by \$1.2 billion.

We have eliminated these so-called cowboy starter kits where people down in certain States were selling farm and ranchland off as subdivisions and having a farm program payment go with those lots, those 10-acre lots. We brought a screeching halt to that abuse.

The disaster assistance in this bill is budgeted and paid for. In the last 3 years, every State in the Nation has re-

ceived disaster payments—every State—none of it budgeted for, none of it paid for. These disaster provisions are budgeted and paid for, and they further reform disasters because in the past you could have losses on one part of your operation, even though you had gains on the rest of it, and still get a disaster payment. Under this proposal, under this new law, if you have not had losses on your whole farm operation—disaster losses on your whole farm operation—you are not going to get a disaster payment.

I wish the Washington Post, when they write their editorials, would bother to read the legislation they are critiquing because clearly they do not know what they are writing about.

The final point I want to make: The Senator from New Hampshire, the ranking member of the Budget Committee, who is my friend, somebody for whom I have respect and affection, suggests over and over that somehow this is not paid for, that it is going to add to the deficit. No. The Congressional Budget Office, who are the official scorekeepers, and the Joint Committee on Taxation have scored this bill. This is what they say. We reduce the deficit over 5 years by \$67 million; over 10 years, by \$110 million. This bill is fully pay-go compliant—fully. This bill is paid for. It is paid for without a tax increase.

One final point: The Washington Post wrote another egregious story the other day saying: Oh, there is this \$16 billion additional cost that might be out there. Yes, and elephants fly. Look, when are they going to get objective in their reporting at the Washington Post? They have suggested there might be this \$16 billion cost. Really? There also might be \$16 billion of savings. A lot of things could happen. You know—lightning strikes. A lot of things could happen.

Look at the last farm bill. We brought that in \$17 billion in the commodity provisions below what was forecast at the time. Did the Washington Post ever write a story about that? Did they ever? No.

This bill is paid for. It is paid for without a tax increase. The professional scoring of this legislation is that it is \$10 billion over baseline, completely paid for, without a tax increase.

Mr. DURBIN. Mr. President, I rise to address the importance of the nutrition assistance title of the farm bill. The bill goes a long way toward ensuring that families in America will have food on their table, even when times are tough. The bill also clarifies that their rights to certain nutrition services are enforceable.

Sections 4116 through 4118 of the bill specifically reinforce Congress's longstanding intention that the Food Stamp Act's provisions and its regulations are fully enforceable and should be enforced. The courts have historically and correctly understood Congress's intent that low-income households have the right to enforce these provisions.

The language of the Food Stamp Act and its implementing regulations—parts 271, 272, 273, and so on—have the kind of clear language required for judicial enforcement. We made sure that they are mandatory, not aspirational, and that they set out requirements for how each individual is to be treated, not general program-wide goals. They clearly define the benefited class as low-income people receiving or seeking food assistance. Nothing in the act or regulations suggests that substantial compliance overall excuses denying any individual the benefit of these rules.

Along with oversight by the Department of Agriculture, lawsuits by families participating in food stamps are one of the ways we can ensure the Food Stamp Program fulfills its purpose. Indeed, it is partly because applicants and recipients can and do bring lawsuits to enforce program rules that the Department has not been required to withhold funds from States to enforce service standards in the program.

This legislation also makes explicit that various civil rights laws are binding in the Food Stamp Program. This is not a change—these laws and their regulations have applied since they were written, and both have been intended to be fully enforceable. This legislation just reiterates a point that we hope and believe was already clear.

None of this would have been a question until two recent, unfortunate court decisions. The first case, Reynolds, comes from the Second Circuit. It applied a standard of analysis that departed from all prior Federal court precedent and held that applicants and recipients could hold a state accountable for the maladministration of the program by local food stamp agencies only in the rarest of circumstances. The act is and has been clear that States are responsible for full compliance with all applicable regulations. States' responsibility is no less because they have chosen to have counties or other local agencies operate the program for them. The option of local administration exists only as a courtesy or convenience to the States, not to reduce their accountability. The State is just as responsible for what the local agency does as if the State agency performed those acts itself. This legislation emphasizes that point.

In the other case, called Almendarez, a Federal district court refused to consider a suit brought by low-income people who need assistance in a language other than English to apply for food stamps. The Department's regulations clearly provide rights for families that need language assistance. Now the act explicitly confirms that those regulations are enforceable. Future cases can be decided on the merits, as they should be.

This bipartisan legislation goes a long way toward providing food for working families, and providing the security of knowing that help is enforceable by law. I thank the chairman and

the committee for their tremendous work.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Parliamentary inquiry, Mr. President: How much time remains on both sides?

The PRESIDING OFFICER. If the Senator from Iowa will hold for a second—the Republican leader has 14 minutes, the Senator from New Hampshire has 2½ minutes, the majority side has 11 minutes.

Mr. HARKIN. Eleven minutes.

Mr. President, I understand that, obviously, in a quorum call the time is taken evenly off of both sides. Since we have 11 minutes left, I yield myself 4 minutes of that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, would the Chair please remind this Senator when his 4 minutes have elapsed?

The PRESIDING OFFICER. The Senator will be so notified.

Mr. HARKIN. Mr. President, I want to respond to a couple things my friend from New Hampshire said. He talked about the sugar provisions in the bill and the support price of sugar, that it is over world prices. I always point out to people that when you go in a restaurant, or anywhere you go to eat, the sugar is free. You get these little packs of sugar wherever you go. You go to Starbucks, you get free sugar. You go to the airport, and you go down and get a cup of coffee, or something like that, there is free sugar. It cannot get much cheaper than that.

Does anyone believe if we were to drop these sugar support prices down about 50 percent—which is what would happen with what the Senator from New Hampshire wishes to have happen—do you believe candy prices are going to go down? Do you believe food prices are going to go down? Come on. It just means that the manufacturers, the processors will just make more profits, that is all, and our nation's sugar farmers won't. So you can't get much cheaper than free when it comes to sugar when you go into your restaurants and coffee shops and places such as that.

The next thing the Senator talked about is the \$16 billion that the Washington Post keeps talking about in new spending because of this new program, this new option we have, this new re-

form program. That is a doom's day scenario. Sure, if the bottom falls, if commodity prices fall 40 percent, yes, we could see significant expenditures. But even the Department of Agriculture in this administration has said they don't expect prices to decline much if at all over the next 12 to 18 months. As pointed out earlier, because of the increased prices of fertilizer, fuel, equipment—all of the input costs of agriculture—if these prices drop to where they were 8 years ago, Lord help us. We would have real economic hardship in rural America. So we have this new program in the bill to help farmers deal with the new economic realities in agriculture.

So, yes, you can take a doom's day scenario, but we don't plan our lives around the fact that we have perhaps a 1 in 40 million chance of getting hit by an asteroid. We don't plan our daily excursions by the fact that we face on the order of a 1 in 50,000 chance that we could get hit by a tornado or struck by lightning. Of course you can always have doom's day scenarios. That is not how we crafted this new program nor is it a reasonable way to judge it. We planned it in relation to what is really happening in agriculture.

The last thing the Senator said was something about logrolling, where some members will help other commodities or regions and then in return members who have been helped will support policy for other commodities in a different area. That is a total distortion of how this process works. The fact is, in my area in Iowa, we don't grow cotton and peanuts, let's face it. We just don't. I don't have much expertise in that area, to be honest about it, so I rely upon Senator CHAMBLISS or Senator COCHRAN or those Members from other parts of the country who know their agriculture. They know those commodities. So we rely upon their expertise. You bet we do. I hope they rely a little bit on our expertise when it comes to crops such as wheat and corn and soybeans and other crops. The same goes for ranches. The distinguished Presiding Officer comes from an area of the country where they have ranches. We don't have ranches in Iowa, so I rely upon the Presiding Officer, who is on the Agriculture Committee and who knows a lot about ranching and what it means in his part of the country and what it means to have livestock and livestock producers who run ranches. The Presiding Officer also knows what it means for this nation to shift to new and renewable forms of energy, including cellulosic energy, which he has been a leader on. So we rely upon each other for this kind of expertise. That is not logrolling; that is just recognizing that different Senators who come from different parts of the country have different expertise, and they can bring that expertise to the Agriculture Committee. That is exactly how we develop these farm bills. It is not logrolling, it is simply recognizing that we want this

legislation to work effectively everywhere across the nation, regardless of the commodities grown or region involved, and to cover the whole broad range of issues and challenges encompassed in this bill.

That is why I think we have a very good bill here. As my friend Senator CHAMBLISS said, of course we don't agree with every single thing in it, but that is the art of legislation, which is to compromise and to work things out so that we can get good bipartisan support and multiregional support. We did that in this farm bill. You can't get much more bipartisan than 81 votes in the Senate or 318 votes in the House. When you have that kind of overwhelming support, then you know you probably have a good bill.

So, again, I urge Senators to vote to override the President's veto.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

#### FEDERAL GOVERNMENT ENERGY USE

Mr. WARNER. Mr. President, Senator BINGAMAN and I will be introducing in the Senate today a resolution to express the sense of the Senate regarding the use of gasoline and other fuels by the departments and agencies of the Federal Government. We simply refer to all of the problems we see every morning, as we get up, in the papers and on the television about how families are coping with this gas problem. We simply say in a respectful way in the last paragraph—I will read it:

It is the sense of the Senate that the President should require all Federal departments and agencies to take initiatives to reduce daily consumption of gasoline and other fuels by departments and agencies.

I thank my colleagues. The full text will be available to all Members this afternoon. It is not as if we will be able to vote on this, but it will be some message to take back home that you are in support of it.

Mr. CHAMBLISS. Mr. President, I request to be added as an original cosponsor.

Mr. GREGG. Mr. President, I also request to be added as a cosponsor.

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

Who yields time?

Mr. HARKIN. Mr. President, I ask unanimous consent that all time be yielded back.

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

Mr. GREGG. Mr. President, I ask for the yeas and nays.



The PRESIDING OFFICER. The yeas and nays are automatic under the Constitution.

All time having been yielded back, the question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DEMINT (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 82, nays 13, as follows:

[Rollcall Vote No. 140 Leg.]

#### YEAS—82

Akaka	Dodd	Menendez
Alexander	Dole	Mikulski
Allard	Dorgan	Murray
Barrasso	Durbin	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Biden	Feinstein	Reid
Bingaman	Graham	Roberts
Bond	Grassley	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inhofe	Sessions
Burr	Inouye	Shelby
Byrd	Isakson	Smith
Cantwell	Johnson	Snowe
Cardin	Kerry	Specter
Carper	Klobuchar	Stabenow
Casey	Kohl	Stevens
Chambliss	Landrieu	Tester
Clinton	Lautenberg	Thune
Cochran	Leahy	Vitter
Coleman	Levin	Warner
Conrad	Lieberman	Webb
Corker	Lincoln	Wicker
Cornyn	Martinez	Wyden
Craig	McCaskey	
Crapo	McConnell	

#### NAYS—13

Bennett	Hagel	Sununu
Collins	Kyl	Voinovich
Domenici	Lugar	Whitehouse
Ensign	Murkowski	
Gregg	Reed	

#### ANSWERED "PRESENT"—1

DeMint

#### NOT VOTING—4

Coburn	McCain
Kennedy	Obama

The PRESIDING OFFICER. On this vote, the yeas are 82, the nays are 13, one Senator responding present. Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the bill on reconsideration is passed, the objections of the President of the United States to the contrary notwithstanding.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, now that we have had this vote on the veto of the conference report, none of us had wanted to have to override a veto. As we move ahead now, because of the technicality and the little glitch that we have had, we are not sure where we

are going to be when we come back, but there is going to be, possibly, the chance that we are going to have to take up the full bill again as the House did and passed it with a big vote. Over the next several days, I hope maybe these waters will smooth out, and we can move ahead with the concurrence of the White House so farmers and ranchers will have some dependability on what type of programs we are going to have out there for them.

Let me say again to my chairman, Senator HARKIN, it has been a pleasure to work with him and Senator CONRAD, who has been such a great ally in this process. It was great leadership to get us to where we are now. Thank you on behalf of all farmers across America. Senator BAUCUS and Senator GRASSLEY have been so valuable in our process. We named all the staff the other day, but we wouldn't be where we are without them.

Mr. President, I thank you and everybody have a safe holiday.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I associate myself with the remarks made by my good friend from Georgia, Senator CHAMBLISS. This has been a long effort. We worked very hard on this bill. I wish to reassure Senators, this is a good bill. I know there are some editorials out there written about it in the Washington Post and other publications. That is all part of the process of debating and enacting legislation. But you have to think, a lot of those editorials are written by those who likely have never supported a farm bill anyway, so there you go. It is like anything else, is this bill exactly what I would have wanted or Senator CHAMBLISS would have wanted or Senator CONRAD would have wanted or anybody else? No. But that is the art of legislation. It requires cooperation, bipartisanship, compromise, and getting legislation through that benefits all of our country.

As I have said many times, this farm bill benefits everyone from farmers and ranchers, people in small towns such as my hometown of Cumming, population of 162, to people who live in New York City.

The fact that we had 82 votes now on the override—81 before on the conference report on the bill—and the overwhelming votes in the House, I believe indicates people understand this is a broad bill that covers every American—not just farmers, not just ranchers but everyone. It is good for our country, good for our future. It is a bill that will make sure we will continue to have an abundant, safe, affordable supply of food for our people in this country, that we help low-income families put food on their tables and that we help farmers and ranchers conserve and protect our nation's priceless resources for present and future generations.

This bill helps us move ahead to producing energy from cellulosic mate-

rials—we have laid the foundation for having that in the future. Just as we laid the foundation before for grain-based ethanol, now we have laid the foundation for cellulose-based ethanol in the future.

It is a good bill, good for America. Again, I thank Senator CHAMBLISS, first, for when he was chairman actually starting this process and then working together to get this bill through to its conclusion; Senator CONRAD, who has been such a valuable ally in this effort, bringing the expertise that he has as the budget chairman and, as I often said, making sure we keep on track. I have often said, in writing legislation if you do something here that affects something there and that affects something else, the Budget Committee and the budget chairman have the knowledge and the expertise to know the budget impact of such actions. It has been an invaluable resource to us, to have that expertise of Senator CONRAD on this committee and during this whole debate and development of this farm bill.

I will also thank, again, Senator BAUCUS and Senator GRASSLEY, our chairman and ranking member of the Finance Committee, who worked so closely with us to develop this legislation and make sure we had the proper funding so we could get this bill through. They were invaluable helping us to get this bill finally through.

I wish to make sure there is no doubt in anyone's mind now—14 of the 15 titles in the farm bill conference report are now law. We do not require anybody else's signature; 14 of the 15 titles are now the law of the land. As Senator CHAMBLISS said, we do have this one little glitch—evidently an innocent mistake, a clerical error that title III was not included. We will deal with that at some other point. I don't know exactly when, but that should not be much of a problem, since it was simply a clerical error. We will take care of that.

I want people to know we have been in contact with both USDA and USAID, the Agency for International Development. They told my staff basically they could get by for a couple of weeks without our having to do more today. We will have to move ahead as soon as we can, perhaps that will not be until right after the recess, so our Pub. L. 480 programs and our development assistance programs, our market access program, which is so important for our fruits and vegetables, specialty crops and other programs in the trade title are taken care of.

Again, I thank everyone. As Senator CHAMBLISS said, we have already thanked our staff, but I don't know if we can thank them enough. They have hung in every day on this.

I was going to say now they can take a vacation, but they have to wait until this other title gets taken care of; but sometime soon our staffs will be able to take a break.

Mr. President, I would like to expand upon my remarks on the nutrition title

of the Food, Conservation, and Energy Act of 2008 so that I may provide my colleagues with more information about the very important changes made in the nutrition title, particularly to the Food Stamp Program. The Food Stamp Program is the single most important antihunger program in our Nation, helping millions of families, seniors, and people with disabilities afford an adequate diet. It is our country's largest child nutrition program and serves as a critical work support program, enabling low-income working families to make ends meet and put food on the table every month.

I know that many Senators have not had the opportunity to pore over the details of the legislative language and conference report for the nutrition title. So let me take this opportunity to provide some background on what has been accomplished in the nutrition area of this bill.

The conference report makes major investments and improvements in the Food Stamp Program in this bill—starting with changing the name of the program to the “Supplemental Nutrition Assistance Program” or “SNAP.” The change reflects the reality that food assistance benefits are no longer “stamps” but have been updated and modernized and are now provided on special cards, like the debit or credit cards that most Americans carry in their wallets. For the purposes of my remarks today, I will use the term “Food Stamp Program” throughout my comments one last time before this historic change is made.

One of the primary goals for the Food Stamp Program was to end the decades of erosion in the purchasing power of food stamp benefits. Because of harmful cuts to the program enacted in the midnineties, with each passing year the purchasing power of most households' benefits has actually decreased. The biggest annual cut, which has so far cumulated in about \$25 less in food assistance each month for the typical working family, was from a freeze to the program's standard deduction. This cut has affected about 10 million people a year, including many low-income working families with children, senior citizens living on a fixed income, and persons with disabilities.

The largest benefit improvement in this bill is an increase in the standard deduction, which has been frozen for households of three or fewer people for over 10 years, and end any future erosion in its value by inflating the deduction each year. The inflated amounts will be calculated based on the previous year's unrounded amount, so over time we will not lose any more ground to inflation. This change will improve benefits for about 13 million people and provide a typical working family an additional \$6 a month in food assistance in 2009, rising to \$17 a month by 2012.

Similarly, because it was not adjusted for inflation, the \$10 monthly minimum food assistance benefit pur-

chases only about one-third as much food today as it did when it was set more than 30 years ago. The minimum benefit is set at 8 percent of the thrifty food plan, rounded to the nearest whole dollar. This will mean it will be about \$14 per month in 2009—almost a 50-percent increase. The Thrifty Food Plan is automatically indexed for inflation. As a result, the minimum benefit will maintain its purchasing power. And, because the Thrifty Food Plan is set at different levels for high-cost areas like Alaska and Hawaii, a new and slightly higher minimum food assistance benefit will be provided in those areas. For example, in fiscal year 2009 the Hawaii minimum benefit level will be \$22 a month. Additionally, about 15 States have special combined application projects where SSI recipients receive standardized benefits. I expect USDA will reevaluate the cost-neutrality of these projects so that these households also can receive higher standardized benefit amounts to account for the higher monthly minimum benefit and standard deduction levels.

The conference report ends erosion in other areas as well, including the dependent care deduction and asset limit, about which I will speak more briefly, but also the commodities for The Emergency Food Assistance Program, TEFAP, and grants for community food projects and fruits and vegetables in schools. For the first time since I have been working on farm bills, we have clearly established the principle that the value of benefits in our nutritional help for low-income families and individuals should not erode over time, just as they do not in our income tax code or the Social Security and Medicare Programs. This is a remarkable achievement.

Another core principle that is addressed in this bill is that building savings and accumulating assets is an important path to financial independence. And here I want to especially thank the ranking member, Senator CHAMBLISS, for his leadership. Many agree that it is counterproductive to discourage savings by forcing people to liquidate their retirement savings or other financial assets when they lose their jobs and need to turn to food assistance to feed their families. Policymakers from across the political spectrum agree that asset development is important to helping low-income Americans make a permanent transition out of poverty as well as avoiding it in their later years. After all, a family does not spend its way out of poverty. Quite the opposite, most families build a path to financial security on the foundation of assets, whether it be a home, a small business, or retirement savings.

This bill ensures that all retirement accounts and education savings accounts are excluded from a household's financial assets when determining whether or not they are eligible for food assistance. And for the first time in nearly two decades the \$2,000 and

\$3,000 asset limits will be adjusted for inflation each year.

It is also important to note what the Congress did not do in the asset area. The administration proposed eliminating a State option called expanded categorical eligibility which allows States to conform the food stamp asset rules to those used in a TANF-funded benefit, and proposed using those savings to finance the exclusion of retirement accounts from eligibility determinations. Both the House and Senate rejected that approach because of a belief that some assets, such as retirement funds, should be excluded from the program on a national basis.

In addition, by leaving the existing State option on categorical eligibility in place, States have the full flexibility to set their own asset policy. I strongly encourage USDA to work with States to expand the use of this State option beyond the 15 States that thus far have expanded categorical eligibility. States with nearly 40 percent of the food stamp caseload do not currently use the national asset policy. I hope that in the coming months and years we will see more and more States take the option.

Another major improvement in this bill supports working families by allowing them to deduct the full amount of their childcare expenses from their income for purposes of food assistance eligibility and benefit determinations. The current cap on the dependent care deduction has not been raised in 15 years, but child care costs have continued to grow. Even when a low-income working family gets help paying for child care, the family's share, or copayment, can be substantial. Now, because of changes in this bill, the amount of food assistance that a family receives will reflect the actual child care costs families pay to be able to hold down their jobs. By lifting the cap, families eligible for the deduction will be able to deduct the full value of their childcare costs, rather than just a portion of the costs. The change would provide an average of almost \$500 a year—more than \$40 a month—to approximately 100,000 households that pay high childcare costs.

This change was made cognizant of current USDA policy on the childcare deduction, which takes a broad view of what constitutes a dependent care cost, defers to parents about what is appropriate childcare, and lets States determine how to set verification policy. This proposal was part of USDA's original farm bill proposal and they have given us every reason to believe they will continue these policies and do nothing that would limit what is deductible or the amount families may deduct.

For households that apply or recertify their eligibility after October 1, 2008, the dependent care cap will no longer be in effect. We expect that States will notify households already participating in the program with dependent care expenses at or above the



current cap about the policy change. These households should be given the opportunity to receive the higher dependent care deduction that corresponds to their full costs as soon as the provision takes effect. A benefit increase for these households however, is their option. In no case should a household have its benefits terminated or reduced for not responding to paperwork requesting verification for the amount of childcare costs they have above the current cap. In two areas, this bill builds upon the very successful State options provided in the 2002 farm bill. These simplifications have made the program less burdensome on States agencies and families alike, have helped to keep low-income households connected to the Food Stamp Program, and have been a major factor in the sustained drop in State food assistance error rates.

The 2002 farm bill allowed States to extend "simplified" reporting rules to most households. Some 48 States and the District of Columbia have adopted this popular State option, which dramatically simplifies the rules for how many food stamp participants inform the State about changes in their income and other circumstances.

Unfortunately, due to an oversight in the 2002 bill, States are not allowed to apply simplified reporting to several categories of households, such as households with only elderly or disabled members. USDA wisely, through guidance and in its proposed regulation, allowed States to extend the option to some households that might be excluded, such as homeless households and migrant and seasonal farmworkers. This bill specifically allows these households to be included in simplified reporting and extends the State option to households with only elderly and disabled members, so long as States extend the simplified option for 1 year rather than 6 months for such households to reflect the fact that many of them live on fixed incomes and have stable living situations and thus do not have many changes to report. In fact imposing 6 month reports on these households would make them worse off by putting their food assistance at risk more often than is now the case.

This change will allow States to simplify their operations and reduce confusion, by having just one reporting system with common forms, staff training, and other rules. I urge USDA to implement this provision and the underlying simplified reporting option in a way that allows it to achieve its full intent of minimizing the number of changes that households need to report and that States need to respond to, whether those changes are for food stamps or for another program that the State administers along with the Food Stamp Program. Simplified reporting cannot be simple if USDA allows exceptions to our basic principle that changes should only be made to the case if a household reports that their income exceeds the gross income limit.

Another popular and successful provision from the 2002 farm bill gave States the option to provide 5 months of transitional food assistance to families that leave welfare. We did this not only because we wanted to reduce the paperwork burden but also to keep eligible families connected to food assistance when they left welfare for work. This is important because we know that, for families who are leaving welfare for employment, the first couple of months are particularly vulnerable. Having work supports such as food assistance help them to weather this period and actually decreases the likelihood that they will return to cash assistance.

The 2002 farm bill made this State option available to families that leave Federal TANF-funded cash assistance programs. Since then, some States have established separate State-funded cash assistance programs for certain groups of poor families with children. These State programs give greater flexibility to States to develop services and supports that can serve these families appropriately.

This bill extends to States the option to provide transitional food assistance to individuals participating in these State-funded public assistance programs. Several States have specifically indicated that this change will be beneficial to them and the families with children that they serve.

For all of these benefit improvements, I expect USDA to implement the provisions in a way that is sensitive to the needs of the State agencies that administer the program. It is with some disappointment and disbelief that I note that the administration still has not yet issued final regulations for the 2002 farm bill's food stamp provisions. In implementing this bill I urge USDA to provide sufficient, flexible guidance to States in a timely manner. One of the helpful implementing policies USDA allowed in 2002 was to extend the 120-day quality control hold harmless protections to provisions that are State options, such as simplified reporting and transitional food stamps. I expect USDA to allow that policy for this farm bill as well.

In addition to major improvements in the benefit levels and rules, the nutrition title contains numerous program oversight and integrity provisions, as well as provisions that address basic program operations.

As I mentioned at the outset of my remarks, this bill finalizes the replacement of paper coupons in favor of the electronic benefits on plastic cards that are now the way people access their food assistance across the country. The bill prohibits States from issuing any new coupons and provides that existing coupons shall be redeemable for only 1 year from the date this bill is enacted. This is a minor change in the operation of the program, since no State currently issues coupons and fewer are redeemed each month. Nonetheless, the change required numerous

technical and conforming revisions in the statute to purge the act of "coupons" and other trappings of the old system. No policy changes are intended in making these revisions other than to reflect the existing reality. For example, in replacing the word "coupons" with "benefits" Congress did not intend to change policy beyond simply recognizing that coupons do not exist anymore. The term "benefits" refers to the food voucher-like benefits that households receive on electronic benefit transfer cards, EBT, but does not include auxiliary activities under the act, such as nutrition education or food stamp employment and training services.

Despite the overwhelming success of electronic benefits in modernizing benefit delivery, reducing retailer fraud, and removing a large source of stigma for recipients, there is one area where there remain concerns about EBT benefits, and this bill has tried to address the concern. Under the old food stamp coupon system, some households, especially seniors who qualify for small benefits, could store up those smaller amounts and use several months' worth in one shopping trip or for a special occasion, such as a holiday gathering. With food stamp coupons there was no deadline for how long they were good for.

Under EBT systems, however, some States have moved households' benefits "offline" after as few as 3 months if there is no activity in the account. This can be a problem for households that receive small benefits and want to store them up for a special supermarket trip.

So this bill strikes a balance. It allows States to move a household's benefits offline if the household has not accessed the EBT account for 6 months. But the State will be required to notify the household of this step and to reinstate its benefits within 48 hours if the household makes a request.

I expect States to make the process for recovering benefits after they have been moved offline easy for households. Any inquiry about food assistance, or general request for assistance from a household that has had benefits moved offline, should be considered a request for reinstatement of lost benefits. In other words, households should not have to contact a particular phone number or ask for some complicated reinstatement option in order to get benefits restored to their accounts. Rather, eligibility workers and local office or call center employees should assist households and should help them to initiate the process of reinstating their benefits.

I recognize that some States may need to renegotiate the terms of their EBT contracts, and I urge USDA to work with States to implement the provision as quickly as possible given the time constraints set by the effective date constraints.

This bill also responds to another benefit issuance matter that has come

up recently in Michigan and in other places over the years. States currently issue food stamps in one monthly installment for each household. They may, and usually do, “stagger” food stamps by issuing the month’s food stamps to different households on different days of the month, for example, based on the last digit of the household head’s Social Security number. This practice spreads out the state’s workload and helps supermarkets smooth out the demand for food.

Some States—most recently Michigan—have faced pressure from retailers and others to divide each individual households’ monthly allotment into two or more issuances over the month. I do not support such a change and was surprised to learn that the law permitted it. Dividing households’ monthly food stamp allotments could prevent some households from making large buying trips or from purchasing large, economy-size containers of staple foods. It also would be burdensome on households with small benefit amounts—such as seniors—because they would have to use their food assistance EBT card at multiple shopping trips during the month instead of only one. In fact, the Michigan Department of Human Services polled current food assistance recipients about such a potential change and learned that recipients strongly opposed splitting food assistance benefits into a twice-monthly allotment.

The bill includes a provision that would prevent States from dividing monthly allotments. No other policy changes are envisioned. The bill does not intend to change the rules with respect to the issuance of expedited benefits, the proration of benefits for partial months, the issuance of supplemental benefits in the event a benefit correction is needed, the way that people who reside, or formerly resided, in drug or alcohol addiction treatment facilities receive food assistance, or any other area.

The nutrition title also clarifies a provision that has inadvertently denied food assistance benefits to innocent people. Individuals who are being actively pursued by law enforcement for outstanding felony charges or for violations of probation or parole are not eligible for food assistance benefits. This rule appropriately ensures that fugitives do not receive public support.

However, in practice, this rule occasionally denies food assistance to the wrong people—innocent people whose identities may have been stolen by criminals or those whose offenses were so minor or so long ago that law enforcement has no interest in pursuing them. If the issuing authority does not care to apprehend the applicant when notified of his or her whereabouts, there is no public purpose served by denying food assistance benefits.

Unfortunately, inadequate guidance to States has resulted in exactly that. This provision would correct this by requiring USDA to clarify the terms used

and make sure that States are not incorrectly disqualifying needy people who are not being actively pursued by law enforcement authorities.

One important area of the bill has not gotten a lot of attention. It has to do with our own, as well as USDA’s oversight of State administration of the program. Several provisions in the nutrition title are included to improve oversight of States with respect to computer systems, eligibility processes, and access to benefits.

For example, the bill requires States to adequately test and pilot new computer systems. I do not wish to see another instance of a State implementing a multimillion dollar computer system that does not work, and which USDA knew would not work. Time and time again, I have read about computer systems that do not work and either cause families to wait 3 months for food stamps or that issue benefits inaccurately. That is unacceptable management of the program. USDA must demand adequate testing and hold States, not clients, accountable for any mistakes in benefits when there is a major systems failure.

The bill also includes a provision that was proposed by USDA to increase the penalties on States if, despite these measures, a “major systems failure” nonetheless occurs. If the Secretary determines that overissuances have occurred because of a “major systems failure,” the States, rather than households, as is usually the case, are to be liable to repay the Federal Government for the cost of the overissuance. This is entirely appropriate because the mistake is clearly not the household’s fault, and their ability to purchase food should not be compromised because of the State’s egregious mistakes. When major State problems occur, the State’s energy and resources should be focused on fixing the problem, not on collecting from low-income households that had no role in the mistake.

New automated systems are not the only program area that requires more oversight, monitoring, and enforcement of standards. States are now using online applications, conducting business with clients over the phone, and in some cases closing local offices and reducing staff as a result of these changes. New technologies present enormous opportunities to improve customer service, but they also carry risks if the technology does not work or the State agency lacks sufficient oversight. The bill is, in part, responding to a recent GAO report that found that USDA has not collected sufficient information on the effects of alternative methods of benefit delivery on program access, payment accuracy, and administrative costs. The bill requires USDA to set standards for identifying when States are making major changes in their operations and for States to notify USDA and report on the effect these changes have on program integrity and households’ access to benefits.

Though the provision of which I am speaking, section 4116 does not specifically pertain to the privatization of the Food Stamp Program, it does have particular relevance given recent efforts by two States, Texas and Indiana, to privatize major components of their food assistance delivery mechanism. Prior to the approval by the Food and Nutrition Service of both the Texas contract and the Indiana contract, I communicated extensively with the Food and Nutrition Service by letter as to the kinds and manner of data collection that I deemed critical in each instance. I continue to be extremely concerned that USDA is not properly monitoring those projects, as well as other State efforts to transform the way that services are delivered with respect to how these new systems are affecting the most vulnerable members of our society. Because that correspondence was extensive and because it is in the records of USDA, I will not submit it here for the record. I would note however, that in implementing section 4116 of the conference report, I expect USDA to closely review my prior correspondence regarding the Texas and Indiana contracts regarding what kinds of information should be collected. In particular, I expect USDA to review my letter to Secretary Johanns sent on January 19, 2006. That letter in particular clearly laid out expectations as to proper evaluation criteria, especially as they pertained to program access for certain vulnerable populations, such as individuals with disabilities and those with limited-English proficiency.

I would also like to note that USDA has thus far refused, both in the case of Texas and the case of Indiana, to gather appropriate quality control data in the specific geographic areas that were initially rolled out for testing. In those cases, I asked USDA to gather quality control data that was specific to the geographical area that was being initially rolled out so that a comparison could be made to the rest of the State that was still operating under normal parameters, and I asked USDA to gather data that would allow for a timely evaluation of the pilot area. USDA responded that this was not possible because quality control data is not gathered for substate geographical areas and quality control data is not available for evaluation until many months after it is first gathered.

This provision allows USDA to rectify this situation and, in addition to other reporting measures, I fully expect USDA, in implementing this provision, to ensure that quality control data is gathered when there are major changes in program design that allows for comparison of substate areas that are being tested and which allows for the timely use of the State-reported data in evaluation prior to moving ahead with later phases of a project.

Another provision of the bill creates an explicit State option for accepting food assistance applications over the

telephone. As I previously mentioned, innovative States have experimented with online applications and telephone interviews as a way of streamlining the process for people who have difficulty coming to welfare offices, such as working families with busy schedules and senior citizens.

The nutrition title would allow households to apply for food assistance over the telephone and have their benefits date back to the date of the telephone application. This is important to ensure that households that apply over the telephone do not have a delay in their benefits and receive smaller benefits for the first month. We have provided that a telephone signature should be accepted as adequate for all purposes. No subsequent mail-in application should be required in order for the application to be considered filed by the State agency.

Throughout the history of the Food Stamp Program, the courts have played a positive, constructive role in ensuring that congressional intent is carried out. The program has not been overrun with litigation because both Congress, in writing statutes, and USDA, in writing regulations, have taken great pains to be clear and specific. On those rare occasions when courts have misunderstood our intent on an important matter, Congress has amended that statute accordingly. Because USDA keeps the Agriculture Committees closely apprised of its regulatory actions, Congress also has been comfortable with—indeed supportive of—litigation to enforce the Department's regulations. On numerous occasions when we leave a matter open in the statute, it is because USDA has told us exactly how it plans to address the matter in regulations. Congress has always operated on the assumption, and with the intent, that the program's regulations would be fully enforceable and fully complied with to the same extent as the statute.

I was disturbed to learn of two recent cases in which courts disregarded the longstanding history of judicial enforcement of the act and regulations. A district court in Ohio refused to entertain a suit brought to enforce the Department's regulations for serving people whose primary language is not English, and an appellate court in New York held that States are less responsible for compliance with the act and regulations when the program is administered by local governments than when the State administers the program itself.

Accordingly, this legislation clarifies that States must comply with the Department's rules on service to non-English-speaking households as well as with the statute. The regulations, no less than the statute, create rights for households to ensure that they can receive benefits.

Responding to the New York case, the legislation clarifies that States' responsibility is no less in locally administered systems. Congress has granted

States the option for local administration as a convenience; nothing in the law reduces States' responsibility if they take this option. If the State could not be held fully accountable for strict compliance with the act and regulations in these cases, local administration would not be permitted. These amendments correct that problem.

I have been a member of the Senate Agriculture Committee or the House Agriculture Committee for over 30 years. I have always operated on the assumption that the act and regulations create enforceable rights for actual and prospective participants and that litigation may properly arise under provisions of either. When I have heard of examples where applicants or clients were not provided with the service that the act and rules provide, such as timely and fair service, assistance for those who need it by the State agency or 10 days to turn in requested paperwork, I have supported the right of an individual to file a claim against the State to enforce the rules established by Congress and the regulations stemming from the statute.

With very few exceptions, the old Food Stamp Act and the new Food and Nutrition Act are based on the principle of individual rights. Much of that stems from a history in the 1960s and 1970s of clients not being able to gain access to the program. To be sure, section 2 has little in it to enforce: subsections (a) through (g) of section 7 do not affect individual households, and sections 9, 10, 12, and 15 focus on retailers and wholesalers. Within section 11, paragraphs (e)(19), (e)(20), (e)(22), and (e)(23), as well as subsections (f) through (h), (k), (l), (n) through (r), and (t), regulate state agencies rather than households. The same is true in section 16 of the beginning of subsection (a) as well as of subsections (c), (d), and (f) through (k). Sections 14(a), 18(e) and (f), 19, 23, 25, and 27 similarly do not convey rights to households. A few other provisions by their terms no longer apply to anyone. But by and large, the Agriculture Committees, and Congress as a whole, have consistently intended that the Food Stamp Program be administered in strict conformity with the Food Stamp Act and with regulations the Secretary has duly promulgated under this act and that prospective and actual participants be entitled to enforce these provisions legally.

The legislation also clarifies the act's privacy protections to ensure that those receiving confidential information for legitimate reasons are not free to make other uses of that information or to retransmit it to third parties. Any decisions about releasing or using information should be made in advance by the Department or State food stamp agencies. The focus was on retransmission of information. Other than the provision explicitly allowing these records to be accessed in households' litigation, the bill does not expand initial access to confidential in-

formation. Confidential records would continue to be unavailable to the general public and others not having a legitimate reason relating to program administration.

In the program integrity area the bill responds to USDA's request for more flexibility in how they penalize retailers who have committed fraud against the program. Electronic benefits have greatly reduced the occurrence of clients converting their food assistance benefits into cash, but there sometimes remain problems with stores finding ways to enrich themselves at the expense of the Federal Government and low-income households. Under this bill USDA will have more flexibility in the types of penalties it can impose on such stores. USDA will be able to disqualify an offending retailer, subject the retailer to financial penalties, or both.

Elsewhere in the bill, the Secretary is provided expanded authority to penalize individuals and companies that defraud USDA programs. While that provision does not apply to any of the individuals and families who receive food assistance it could be used with respect to retailers and other program operators. Given our history of collaboration with the Department on crafting this retailer fraud provisions as well as fraud detection and enforcement systems in the other nutrition programs, it is not my expectation that the Secretary would ever use that authority without extensive consultation with the Agriculture Committees.

The bill also adds two new specific disqualifications for recipients who have intentionally used their food assistance benefits inappropriately. I do not think these kinds of behaviors are common among food assistance recipients, but they are nonetheless inappropriate, and people who engage in them should be penalized. The first came up because of a story in my State. Apparently someone used their food assistance benefits to buy water in returnable containers. The individual's real goal, however, was to discard the water and return the container for the cash deposit. This kind of activity is obviously not consistent with the purpose of the program and States will now have specific authority to deal with it when it occurs.

The second would address instances where food assistance recipients intentionally resell food that they have purchased with food assistance benefits. This is a little bit of a grey area, and I want to be clear about what we do and do not intend with this provision. It is not consistent with the goals of the program for individuals to resell large quantities of food for a profit that they have bought with food stamp benefits. However, I recognize that food stamp households may occasionally buy a cake mix which is used to make cupcakes for their child's elementary school bake sale or they may shop for one another and reimburse each other for food. Two families who share an

apartment may sometimes share or swap food, even though they generally purchase and prepare their meals separately. These are not fundamental affronts to the integrity of the program. In fact, these are facts of life for honest low- and moderate-income families. USDA and States should only treat the egregious cases—where recipients intentionally sell food that was clearly purchased with food assistance benefits for a cash profit—as fraud. Innocent, well-intentioned low-income individuals should not be disqualified under this new provision.

The bill also includes \$20 million in the nutrition title for pilot projects to test innovative ways of using the Supplemental Nutrition Assistance Program to improve the diets and overall health of recipients and to especially reduce the problems of obesity and the related bad health outcomes. Particularly, this funding is provided for USDA to carry out a pilot program that would test whether certain incentives can be effective in helping food stamp households to purchase healthier foods. The funding is intended to be used for a pilot program using the existing EBT infrastructure. For example, a participating household that purchases fruits and vegetables with their food stamp benefits would receive a discount on the portion of their purchase that is deemed healthful. Or alternatively, the household would have extra benefits added onto its EBT card for the component of their grocery store purchases that are healthful.

This provision is an investment in a very important area. But I must be clear that it is very important for these pilot projects to be rigorously evaluated and that the evaluations be independent, so the Agriculture Committee can have reliable information on what really works and does not work to change people's food purchasing behavior, diets, and health status. To provide USDA with maximum flexibility in implementing this provision, the statute does not go into great detail about the structure of the pilot program. However, I have every expectation that USDA will consult closely with the Agriculture Committee as it works to implement this provision.

The bill also requires USDA to study the cost and feasibility of reinstating the Commonwealth of Puerto Rico into the national Food Stamp Program. Since 1982 Puerto Rico has received a fixed block grant amount for food assistance, rather than be a part of the U.S. program like the 50 States, District of Columbia, Guam, and the Virgin Islands. This block grant does not take into account changes in economic or demographic conditions, such as unemployment or the number of people who are in need of food assistance. Puerto Rico operates their Nutrition Assistance Program with rules very similar to the Food Stamp Program, except that it has been forced to impose much lower eligibility criteria as

a result of capped funding. For example, a Puerto Rican household has a maximum net income limit of only 23 percent to 34 percent of the poverty level, instead of the 100 percent cut off used in the Food Stamp Program. It is important that Congress gain a better understanding of whether we are meeting the food needs of U.S. citizens living in Puerto Rico and whether inclusion in the Food Stamp Program would be appropriate in the Commonwealth. With this study I hope to get a better understanding of what the local conditions are in Puerto Rico and how to address the issues in the next farm bill.

Another provision of the bill seeks to ensure that all children who live in households receiving food stamps are getting the free school meals to which they are entitled. Forty percent of all food assistance recipients are school-age children and about 45 percent of food assistance benefits go to families with school-age children. Food assistance benefits are a critical factor in reducing food insecurity amongst families with children. All children in families receiving food assistance get another important benefit—automatic enrollment for free school meals provided through the National School Lunch and School Breakfast Programs. Such children have been eligible for free school meals for some time, but the requirement that they be automatically enrolled without completing a duplicative paper application was enacted in 2004 and will be effective nationwide for the first time in the 2008 to 2009 school year.

The goal of the direct certification requirement is to move to a system that seamlessly enrolls 100 percent of school-age children in households receiving food assistance benefits for free school meals without imposing any additional paperwork on already stressed families. Unfortunately, it appears that some States are not implementing this provision effectively. As a result, families and schools must fill out and process needless paperwork that was already processed by the food stamp agency. I strongly encourage USDA to work with States to ensure better implementation of direct certification. Government need not and should not be unnecessarily redundant and wasteful. This legislation requires USDA to report to Congress annually on each State's progress toward that goal and to identify best practices. The report can thus be used to help States assess their own progress and expand the reach of direct certification.

The farm bill nutrition title makes a significant new investment in food purchases for emergency food organizations, increasing the Federal mandatory funding that is available from \$140 million per year to \$250 million, adjusted for annual food inflation. Because the amount has been flat since 2002 it has lost purchasing power, while food prices have climbed by more than 15 percent. TEFAP also will receive \$50 million in additional funding for the

remainder of fiscal year 2008 to deal with the short-term immediate needs of food banks in light of the recent economic downturn and high food price inflation.

I would also like to highlight some of the changes we made to the Food Distribution Program on Indian reservations. As my colleagues may know, under the Food Stamp Act, tribal governments have the authority to run a commodity program for their tribal members who would prefer commodities to food stamps. The program helps ensure that low-income Native Americans who live in very remote areas and for whom food stamps are not an option have access to nutritious foods. Currently, there are approximately 243 tribes receiving benefits under the FDIPIR through 98 Indian tribal organizations and five State agencies.

The bill makes a number of changes to the program. First, the statute is clarified to ensure that individuals disqualified from the Food Stamp Program are also disqualified from FDIPIR. Second, the bill provides more authority to ensure that traditional and local foods are included in the food package based on input from program participants. Finally, and perhaps most important, Congress is requiring USDA to submit a report on the FDIPIR food package and its ability to meet the food and health needs of low-income Native Americans. I am deeply concerned that FDIPIR may be failing as a substitute for the Food Stamp Program. Unlike food stamps, it does not differentiate between the food needs of the poorest versus those with more income. Moreover, I am concerned that the quality of the food provided in the food package is not as healthy and nutritious as it ought to be, nor does it respond to the diet and health challenges of Native Americans. The Secretary has open ended authority to improve or expand FDIPIR, which is an entitlement to Native Americans in lieu of the Food Stamp Program. I look forward to hearing from USDA about if or how FDIPIR needs to be modified to respond to the food security needs of its participants.

The nutrition title also make a very significant investment in the health of our Nation's children by expanding the Fresh Fruit and Vegetable Program, which will receive \$150 million annually within 5 years and thereafter be indexed to inflation. Several important policy changes are also made to the program. First, because eating habits are established early in life, we limit the program to just elementary schools, with an appropriate transition period for currently participating secondary schools. The bill also includes significantly strengthened targeting of program funds to low-income children by specifying that priority be given to applicant schools that have the highest proportion of children who are eligible for free or reduced-price meals. I expect USDA and states to take this income targeting very seriously. The

statute is very clear. It does not suggest that the prioritization of low-income schools is optional but clearly indicates that first priority be given to the schools with the greatest proportion of low-income children. The statute also removes any reference to dried fruits that previously existed. The program is intended to provide fresh fruits and vegetables only.

As my colleagues may gather from my remarks, I am extremely proud of what we have accomplished in the nutrition title of this farm bill. We have made the title a top priority within the bill and taken pains to ensure that we strengthen our Federal nutrition programs for the tens of millions of children, seniors and families they serve. Of course, we still have a long way to go before we end hunger in this country. But with this legislation we will be moving in a direction of reducing hunger, strengthening our people and building healthier, stronger communities.

Mr. President, in addition to the more than 1,000 farm, conservation, nutrition, consumer and religious organizations who urged us to override this veto, more than 2,700 Americans signed an online petition, which said the following:

We urge Congress to override President Bush's veto of the 2008 farm bill . . . It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent . . . Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I will not enter all the names into the RECORD because there are e-mail addresses listed here, and I don't want to make all those public.

I ask consent to have the petition printed in the RECORD.

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

We urge Congress to override President Bush's expected veto of the 2008 Farm Bill which takes our country in a bold new direction. It protects the safety net for all of America's food producers, increases funding to feed our nation's poor, enhances support for important conservation initiatives, and helps make America more energy independent.

The House and the Senate passed the Farm Bill on May 14-15 with enough bipartisan support to override a possible veto by President Bush.

We urge members of Congress to continue to vote for the interests of Americans instead of caving to President Bush who is out of touch with the everyday needs of middle America.

Please vote to override President Bush's veto and enact the 2008 Farm Bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we should take a moment to appreciate the historic nature of this vote. This is the first time ever a Presidential veto of a farm bill has been overridden. Of course, we all know this is far more

than a farm bill. In fact, that is a misnomer. This is a food bill, a conservation bill, an energy bill—all those things combined in a way that I think should make us all proud. It got 82 votes for a reason. It is a good product. It got 316 votes on a Presidential override because it is a good product.

I thank especially the leadership of the Agriculture Committee. Our chairman, Senator HARKIN, who is indefatigable, to have a vision to turn farm policy in a new direction, to be more conservation oriented—history will treat him very kindly. Senator CHAMBLISS—we call him, in our office “Cool Hand Luke” because you couldn't ask for a better partner throughout an effort than Senator CHAMBLISS has been to all of us. He has been steadfast. He has been calm, cool, and collected in a lot of situations that demanded real restraint in order to keep things together. I also thank him for the friendship we have formed throughout this effort.

To the staffs—I wish to especially thank my staff: Jim Miller, my lead negotiator who has given body and soul to this effort. I calculate he spent more than 3,000 hours over the last 2 years on this effort; Tom Mahr, my legislative director, who has a lot of brainpower that he brought to this effort, as he does to so many jobs in my office. I deeply appreciate all the assistance Tom has given me and the other members, the other negotiators; Scott Stofferahn, my other negotiator, who helped write the disaster provisions that have proven to be so well done. John Fuher is a member of my staff who has taken on a lot of responsibility at a young age. He has stepped up onto the stage. I appreciate it. Miles Patrie and Joe McGarvey handled key sections of the legislation; on Senator HARKIN's staff, Mark Halverson, the staff director. I joked the other day he started to go gray in this process. You know, it may go further than gray with the little glitch that happened over on the House side; and Susan Keith, who is so determined to write good agriculture policy, she can be proud of what she has helped accomplish in this bill; Martha Scott Poindexter is a consummate professional, somebody for whom we developed high regard. It has been a delight to work with her; Martha Scott, we appreciate the good humor you have brought to this effort, as well as Vernie Hubert, a consummate pro. These are talented people, good people. They deserve our thanks.

I also wish to thank, if I can, the occupant of the chair, Senator NELSON of Nebraska. He is a critically important member of the Agriculture Committee who has provided that kind of mature leadership that is so often necessary in writing legislation of this importance. I thank the occupant of the chair for all he did to make this a reality as well.

## MORNING BUSINESS

Mr. CONRAD. Mr. President, I have been asked to make a request that we go into morning business, with Senators permitted to speak for up to 10 minutes; that upon my conclusion, Senator DORGAN be recognized for up to 5 minutes, Senator CASEY for up to 5 minutes, Senator VITTER for 15 minutes, followed by Senator STEVENS for 15 minutes.

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

The Senator from North Dakota.

## UNANIMOUS-CONSENT REQUEST— H.R. 980

Mr. DORGAN. Mr. President, on behalf of the leader, I ask unanimous consent—and I ask it not be taken out of my time—that H.R. 980 remain the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. Yes, Mr. President, on behalf of Senator ENZI, the ranking member of the committee of jurisdiction, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota is recognized.

## THE FARM BILL

Mr. DORGAN. Mr. President, I want to start by acknowledging the tremendous work of Senators CONRAD, HARKIN, and CHAMBLISS. This farm bill has taken countless hours of patience and perseverance. Thank goodness they have all that in abundance, along with great skill, wisdom and vision.

I especially want to recognize Senator CONRAD's work here in the Senate and Congressman POMEROY's work in the House. We wouldn't be where we are today without their efforts and I wanted to publicly thank them.

Mr. President, the Congress has made a major decision today. That decision is to say to this President: It is time to start taking care of things here at home. It is a pretty substantial message—notwithstanding the objections of the President, this Congress said we need to stand for family farmers and have voted overwhelmingly to decide that we will override the President's veto and voted overwhelmingly to decide that we will override the President's veto. Sometimes there is not much distance between the right track and the wrong track. But with respect to the farm bill, the distance here between the right track and the wrong track, between the President and the Congress, is a country mile. It surprises me, in fact.

This Congress has said: Let's start taking care of things here at home for a change. Now, family farmers have always been the bedrock of this country's family values. They, in many cases, work alone. They raise a family out under yard lights, out in the country. They take big risks every year.