Fattah	McMorris Rodgers	Shadegg
Gutierrez	Peterson (PA)	Souder
Hastert		Watson

□ 2016

Mr. MORAN of Virginia changed his vote from ''no'' to ''aye.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I offer a privileged resolution (H. Res. 393) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 393

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Calvert.

(2) COMMITTEE ON ARMED SERVICES.—Mr. Shuster, to rank after Mr. Franks of Arizona.

(3) COMMITTEE ON FINANCIAL SERVICES.—Mr. McCotter.

(4) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Bilirakis.

(5) COMMITTEE ON NATURAL RESOURCES.—Ms. Fallin and Mr. McCarthy of California.

(6) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Jordan of Ohio.

Mr. PUTNAM (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AGRICULTURAL DISASTER ASSISTANCE AND WESTERN STATES EMERGENCY UNFINISHED BUSINESS APPROPRIATIONS ACT, 2007

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 387, I call up the bill (H.R. 2207) making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 2207 is as follows:

H.R. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork,

and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term ''livestock'' means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 5101 and 5102 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 5101, 5102, and 5103.

SEC. 1005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 5101 and 5102.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 5101 and 5102 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 5101 and 5102, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation.

The Corporation shall not make any expenditures to carry out sections 5101 and 5102 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the ''Farm Service Agency, Salaries and Expenses'', to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2006'' and ''2007'' each place they appear and inserting ''2007'' and ''2008'', respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. Pursuant to House Resolution 387, the amendment printed in part B of House Report 110–143 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Agricultural Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act, 2007''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—AGRICULTURAL ASSISTANCE
TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

SEC. 3. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007.

TITLE I—AGRICULTURAL ASSISTANCE

SEC. 1001. CROP DISASTER ASSISTANCE.

(a) ASSISTANCE AVAILABLE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make emergency financial assistance available to producers on a farm that incurred qualifying quantity or quality losses for the 2005 or 2006 crop, or that part of the 2007 crop year before February 28, 2007, due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed planting), as determined by the Secretary. However, to be eligible for assistance, the crop subject to the loss must have been planted before February 28, 2007 or, in the case of prevented planting or other total loss, would have been planted before February 28, 2007 in the absence of the damaging weather or any related condition.

(b) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the 2005, 2006, or 2007 crop years, the producer shall elect to receive assistance under this section for losses incurred in only one of such crop years. The producer may not receive assistance under this section for more than one crop year.

(c) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Agriculture shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 50 percent of the established price, instead of 65 percent.

(2) LOSS THRESHOLDS FOR QUALITY LOSSES.—In the case of a payment for quality loss for a crop under subsection (a), the loss thresholds for quality loss for the crop shall be determined under subsection (d).

(d) QUALITY LOSSES.—

(1) IN GENERAL.—Subject to paragraph (3), the amount of a payment made to producers on a farm for a quality loss for a crop under subsection (a) shall be equal to the amount obtained by multiplying—

(A) 65 percent of the payment quantity determined under paragraph (2); by

(B) 50 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B) the quantity of expected production of the crop affected by a quality loss of the commodity on the farm, using the formula used by the Secretary of Agriculture to determine quantity losses for the crop of the commodity under subsection (a).

(3) PAYMENT RATE.—For the purpose of paragraph (1)(B) and in accordance with paragraphs (5) and (6), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between—

(A) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(B) the per unit market value of the units of the crop affected by the quality loss.

(4) ELIGIBILITY.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under subsection (a), the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(5) MARKETING CONTRACTS.—In the case of any production of a commodity that is sold pursuant to one or more marketing contracts (regardless of whether the contract is entered into by the producers on the farm before or after harvest) and for which appropriate documentation exists, the quantity designated in the contracts shall be eligible for quality loss assistance based on the one or more prices specified in the contracts.

(6) OTHER PRODUCTION.—For any additional production of a commodity for which a marketing contract does not exist or for which production continues to be owned by the producer, quality losses shall be based on the average local market discounts for reduced quality, as determined by the appropriate State committee of the Farm Service Agency.

(7) QUALITY ADJUSTMENTS AND DISCOUNTS.—The appropriate State committee of the Farm Service Agency shall identify the appropriate quality adjustment and discount factors to be considered in carrying out this subsection, including—

(A) the average local discounts actually applied to a crop; and

(B) the discount schedules applied to loans made by the Farm Service Agency or crop insurance coverage under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(8) ELIGIBLE PRODUCTION.—The Secretary of Agriculture shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary of Agriculture.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(f) ELIGIBILITY REQUIREMENTS AND LIMITATIONS.—The producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses; or

(3) were not in compliance with highly erodible land conservation and wetland conservation provisions.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

(h) DEFINITIONS.—In this section:

(1) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1002. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to carry out the livestock compensation program established under subpart B of part 1416 of title 7, Code of Federal Regulations, as announced by the Secretary on February 12, 2007 (72 Fed. Reg. 6443), to provide compensation for livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007). However, the payment rate for compensation under this subsection shall be 70 percent of the payment rate otherwise applicable under such program. In addition, section 1416.102(b)(2)(ii) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444) shall not apply.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) conducts a livestock operation that is located in a disaster county with eligible livestock specified in paragraph (1) of section 1416.102(a) of title 7, Code of Federal Regulations (72 Fed. Reg. 6444), an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1)), or other animals designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of paragraphs (3) and (4) of section 1416.102(a) of title 7, Code of Federal Regulations, and all other eligibility requirements established by the Secretary for the program.

(3) ELECTION OF LOSSES.—

(A) If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years, and such losses must have been incurred in a county declared or designated as a disaster county in that same calendar year.

(B) Producers may elect to receive compensation for losses in the calendar year 2007 grazing season that are attributable to wildfires occurring during the applicable period, as determined by the Secretary.

(4) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007, under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) AVAILABILITY OF ASSISTANCE.—There are hereby appropriated to the Secretary of Agriculture such sums as are necessary, to remain available until expended, to make livestock indemnity payments to producers on farms that have incurred livestock losses between January 1, 2005 and February 28, 2007, due to a disaster, as determined by the Secretary (including losses due to blizzards that started in 2006 and continued into January 2007) in a disaster county. To be eligible for assistance, applicants must meet all eligibility requirements established by the Secretary for the program.

(2) ELECTION OF LOSSES.—If a producer incurred eligible livestock losses in more than one of the 2005, 2006, or 2007 calendar years, the producer shall elect to receive payments under this subsection for losses incurred in only one of such calendar years. The producer may not receive payments under this subsection for more than one calendar year.

(3) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(4) LIVESTOCK DEFINED.—In this subsection, the term ''livestock'' means an animal that—

(A) is specified in clause (i) of section 1416.203(a)(2) of title 7, Code of Federal Regulations (72 Fed. Reg. 6445), or is designated by the Secretary as livestock for purposes of this subsection; and

(B) meets the requirements of clauses (iii) and (iv) of such section.

(5) DEFINITIONS.—In this subsection:

(A) DISASTER COUNTY.—The term ''disaster county'' means—

(i) a county included in the geographic area covered by a natural disaster declaration; and

(ii) each county contiguous to a county described in clause (i).

(B) NATURAL DISASTER DECLARATION.—The term ''natural disaster declaration'' means—

(i) a natural disaster declared by the Secretary between January 1, 2005 and February 28, 2007 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a));

(ii) a major disaster or emergency designated by the President between January 1, 2005 and February 28, 2007 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(iii) a determination of a Farm Service Agency Administrator's Physical Loss Notice if such notice applies to a county included under (ii).

SEC. 1003. EMERGENCY CONSERVATION PROGRAM.

There is hereby appropriated to the Secretary of Agriculture $20,000,000, to remain available until expended, to provide assistance under the Emergency Conservation Program under title IV of the Agriculture Credit Act of 1978 (16 U.S.C. 2201 et seq.) for the cleanup and restoration of farm and agricultural production lands.

SEC. 1004. PAYMENT LIMITATIONS.

(a) REDUCTION IN PAYMENTS TO REFLECT PAYMENTS FOR SAME OR SIMILAR LOSSES.—The amount of any payment for which a producer is eligible under sections 1001 and 1002 shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006; or

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418).

(b) ADJUSTED GROSS INCOME LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) shall apply with respect to assistance provided under sections 1001, 1002, and 1003.

SEC. 1005. ADMINISTRATION.

(a) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement sections 1001 and 1002.

(b) PROCEDURE.—The promulgation of the implementing regulations and the administration of sections 1001 and 1002 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

(d) USE OF COMMODITY CREDIT CORPORATION; LIMITATION.—In implementing sections 1001 and 1002, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out sections 1001 and 1002 unless funds have been specifically appropriated for such purpose.

SEC. 1006. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) in subparagraph (B), by striking ''August'' and all that follows through the end and inserting ''September 30, 2007, 34 percent.''; and

(3) by striking subparagraph (C).

SEC. 1007. DAIRY ASSISTANCE.

There is hereby appropriated $20,000,000 to make payments to dairy producers for dairy production losses in disaster counties, as defined in section 1002 of this title, to remain available until expended.

SEC. 1008. NONINSURED CROP ASSISTANCE PROGRAM.

For states in which there is a shortage of claims adjustors, as determined by the Secretary, the Secretary shall permit the use of one claims adjustor certified by the Secretary in carrying out 7 CFR 1437.401.

SEC. 1009. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

There is hereby appropriated $21,000,000 to carry out section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a), to remain available until expended.

SEC. 1010. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking ''section 726'' and inserting in lieu thereof ''section 726; section 741''.

SEC. 1011. ADMINISTRATIVE EXPENSES.

There is hereby appropriated $30,000,000 for the ''Farm Service Agency, Salaries and Expenses'', to remain available until September 30, 2008.

SEC. 1012. CONTRACT WAIVER.

In carrying out crop disaster and livestock assistance in this title, the Secretary shall require forage producers to have participated in a crop insurance pilot program or the Non-Insured Crop Disaster Assistance Program during the crop year for which compensation is received.

SEC. 1013. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

TITLE II—EMERGENCY APPROPRIATIONS FOR WESTERN STATES

CHAPTER 1—FISHERIES DISASTER ASSISTANCE

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for ''Operations, Research, and Facilities'', $60,400,000, to remain available until September 30, 2008: *Provided*, That the National Marine Fisheries Service shall cause such amounts to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006.

CHAPTER 2—WILDLAND FIREFIGHTING AND RURAL SCHOOLS

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Wildland Fire Management'', $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISION, THIS CHAPTER

SEC. 2201. SECURE RURAL SCHOOLS.

(a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000, to remain available until December 31, 2007, to be used to cover any shortfall for payments made under this section from funds not otherwise appropriated.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking ''2006'' and ''2007'' each place they appear and inserting ''2007'' and ''2008'', respectively.

CHAPTER 3—GENERAL PROVISION, THIS TITLE

SEC. 2301. EMERGENCY DESIGNATION.

Amounts in this title are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on H.R. 2207.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, in the bill which the President vetoed last week, in addition to funding for the troops in Iraq, we provided funding for a number of other high-priority purposes. We provided additional funding above the President's request for veterans' health care, something which the President did not want. We added additional funding to defend the country against a potential epidemic from the pandemic flu virus that our scientists are concerned about. The President asked for that money 3 years ago, but this time around said he didn't want it in the bill. The President said he did not want to see the money that we put in the bill for homeland security and a variety of other programs.

It seemed to me the administration took special pleasure in also objecting to the fact that we had agricultural disaster funding in the bill and that we had the funding in the bill to respond to the court decision on western salmon and we also had funding in the bill to deal with Western school programs that had been allowed to lapse by the previous Congress and several other provisions like that. The President said that those programs didn't belong in this bill because they weren't emergencies.

Well, in fact, I think the President had it backwards because what the President seemed to suggest is that the only legitimate funding for an emergency appropriation would be for the war in Iraq. In fact, the war in Iraq should not be funded at all as an emergency appropriation. After all, it has been around for more than 4 years, despite the President's landing on that aircraft carrier. And the fact is that the President, in order to hide the full cost of the war, asked for that war to be funded in 11 different slices. Those funds should have been provided in regular appropriation bills, not in supplementals. So it is the President who has the usual practice figured out just backwards. We didn't object to dealing with the Iraqi problem, and we would appreciate it if he would not object to dealing with other legitimate emergency problems.

The President seemed to suggest, in his veto message, that we didn't have the courage to deal with the agriculture and other related issues alone, that we had to slip them in, so to speak, in the Iraq bill. And, frankly, that got my dander up. And so now that we are back in the second bill, I have insisted that when the House votes on this matter tonight that we vote on it separately to demonstrate to the President that there is support in both parties, I believe, for dealing with some of these issues, especially with the agriculture problem.

Now, I didn't declare 70 percent of the counties in this country to be disaster areas. The President did. The Congress has an obligation not to ignore those declarations and act accordingly, and that is what we are trying to do. So very simply, we are going to have these votes tonight, and I am glad that we are.

There are two items that are not in the bill that should be in the bill. One is spinach. When the President vetoed the bill, his administration made a lot of fun of the fact that we had funding for spinach in the bill. Well, there is no spinach in my district, but let me tell you why we had that funding. Nobody was laughing a year ago when people were deathly sick because they had consumed spinach that was contaminated with E. coli, and then the Federal Government went to spinach growers and asked that they take their products off the shelf voluntarily, and when they did that, that cost those spinach growers a lot of money. Now, I have heard a lot of conservatives and liberals alike in this House complain and cry and whine all over the floor when the government engages in an uncompensated taking from a private citizen. Well, if you tell an industry that they can't collect for their product after they have been asked by the government to take it off the market even though 99 percent of that spinach was perfectly safe, then what have you done? You have engaged in an uncompensated taking. Now, that may not bother many people in a city like Washington, D.C., where a lot of people look down their noses at anything rural, but the fact is that farmers are entitled and spinach growers are entitled to the same kind of consideration any other economic group would have in this country.

The second thing that isn't in here is funding for Great Lakes fishery problems. We had several Members of the minority party make fun of the bill 2 weeks ago because they claimed we had money in the bill for tropical fish. Well, I want to tell you what we had in the bill. The Federal Government discovered last year that fisheries in the Great Lakes, especially in Lake Michigan, that fish were being found with a disease called viral hemorrhagic septicemia. It does to fish what ebola does to human beings. It is a bloody problem. And that problem, if left unchecked, has the potential to destroy the entire Great Lakes fisheries. That is an 8 to $9 billion annual business. So what we tried to do was to simply recognize the plight of a few commercial fish growers who were told by the government they could not ship their product across State lines because it would endanger the entire fisheries, and so they complied. The irony was under the law if the fish produced by those farmers had been diseased, they could have collected from the government, but because those fish were healthy, they couldn't. So they were stuck in a catch-22 situation.

We tried to fund that, and we got laughed off the screen because the demogogues in this institution and demogogues on the other end of the avenue made fun of a problem that is a very serious environmental problem. We have taken that item out of the bill, too, simply because there is only so much bowl gravy that you can counter in a political debate. So we are left with the bare bones proposition that deals with legitimate problems faced by farmers and faced by Western States with respect to wildfires and the other problems funded in this bill.

So I am happy we finally are going to have an opportunity to vote on these items standing alone. I urge an ''aye'' vote.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are continuing our debate on the emergency supplemental with a discussion of a separate measure that includes billions of dollars of spending completely unrelated to the global war on terror or legitimate emergencies in the gulf coast region.

This is an extraordinary amount of unauthorized spending, spending that is not offset in any way, contained under the emergency designation. As the ranking member of the House Appropriations Committee, and the committee's former chairman, I believe the House must firmly hold the line and reject this unnecessary spending.

Members on both sides of the aisle can, and will, argue that some of this spending is justified. Members can correctly point out the need for additional funds to address wildfire suppression or agricultural assistance in various regions of the United States. However, I would urge that many of the needs addressed in this bill could, and they should, be addressed in regular order through the fiscal year 2008 funding bills.

Sadly, many items are being designated as emergencies for no other reason than to make more room for additional spending under the fiscal year 2008 caps, which, incidentally, we still do not have.

When the new majority assumed power earlier this year, it committed to restoring pay-as-you-go, the practice of offsetting spending increases with spending decreases. As I mentioned earlier, none of the proposed spending included in this package has been offset in any way.

Lastly, Mr. Speaker, our colleagues should be aware that the President has indicated that he will veto this legislation due to the excessive nonemergency spending it contains. I urge our colleagues to show spending restraint by opposing this package.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished chairwoman of the Agriculture Appropriations Subcommittee, Ms. DELAURO.

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Ms. DELAURO. Mr. Speaker, with this supplemental appropriations bill, we continue to confront urgent business which the 109th Congress left unfinished last year and which the President continues to want to leave unfinished. Today, that includes an important relief package for agricultural disasters which occurred in 2005, 2006 and 2007.

I do not have to remind my colleagues about so many instances of devastation that have struck every corner of our Nation. And the President's response to these disasters is, ''You are on your own.'' With severe drought in the Midwest, wildfire in the Southwest and floods in the Upper Plains, the United States Department of Agriculture designated nearly three-quarters of all U.S. counties as primary or contiguous disaster areas over the past 2 years. Hardworking farmers struggling just to get by, struggling to deal with each disaster's painful consequences, struggling to understand their deeply felt impact on our businesses, our communities, on our everyday lives. What is the President's response? ''You are on your own.''

These events are described by many as ''slow-motion disasters,'' but they are disasters nonetheless. And we cannot turn our backs on those who are hit hardest. Indeed, we have a responsibility to look honestly at all of the hard choices which have been put off far too long by this Congress and our President.

Outside the gulf region, there has been no disaster assistance in the past 2 years, even though natural disasters hit our farmers hard. In 2000 and 2001, we had disaster assistance bills that cost over $11 billion in one year and $14 billion in the other. Our proposal is a fraction of those.

While some time has passed since these natural disasters occurred, it does not mean that they have ceased to be emergencies, and it does not mean that we no longer have an obligation to help those in need.

What the Democrats tonight are telling those who are struggling in the face of these disasters is that you are not alone. We are on your side. I urge my colleagues to support the bill.

Mr. LEWIS of California. Mr. Speaker, because he is constantly talking to me about the challenges of rural schools, it is my pleasure to recognize GREG WALDEN of Oregon for 3 minutes.

Mr. WALDEN of Oregon. I thank the ranking member of the committee, my friend and colleague from California.

Mr. Speaker, tonight I must rise to strongly urge my colleagues on both sides of the aisle to help us deal with a very real emergency in the West and across the country by supporting this measure to fund rural schools and roads, and to help make sure that our farmers and ranchers and those who fish get the disaster aid that they have needed for some time.

And I have to forcefully disagree with the statement of administration policy issued by this administration which threatens a Presidential veto. To say that the closing of jails and schools and libraries, as is occurring right now in my district and in others, is not somehow an emergency is to simply ignore the reality of what is happening in the rural West. It is outrageous. Enough is enough.

First, the Federal courts and the government shut down the timber industry and timber harvest on Federal lands and took away our jobs in rural communities. Then the Federal Government quit effectively managing those forests. And last year, we again paid the price with 10 million acres of Federal land that burned at a cost of a billion and a half for taxpayers to extinguish those fires. But it gets worse. The Federal Government has failed to replant a million acres of Federal forest lands, America's forest lands that have burned over the years. And now it has broken a hundred-year promise to the rural communities who used to depend on the revenues from these forests that now aren't even managed.

And now the President threatens to veto this emergency funding bill designed to pay for firefighting, designed to pay for fishermen whose season was shut down last year, and to pay for keeping schools open and jails open and roads open, and providing disaster aid to farmers and ranchers. If we don't do this advanced funding for firefighting, they will dip into the accounts of the Forest Service and they won't do the very kind of work that needs to be done in the forest to prevent these kind of catastrophic fires that we are seeing over and over and over again. It is the same process that we decry is occurring in the military if we don't properly fund our troops. They will rip into these accounts. They will cancel the contracts, and they will set us behind. That is what happened to the Forest Service.

Enough is enough. The President should not veto this bill, and this Congress should pass it.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the chairman for yielding.

Mr. Speaker and Members, this bill contains emergency disaster funding that is needed because of a commercial fishing disaster that happened last year and was not dealt with last year. It has devastated fishing families and related businesses up and down the California and the Oregon coast. Moreover, this disaster was the result of this administration's failed and illegal water policy. This water policy caused a virtual shutdown of the entire commercial fishing, salmon fishing season last year. And their water policy has been unanimously ruled arbitrary and capricious and a violation of the Endangered Species Act by not one, not two, but three different courts.

Sadly, fishing families throughout my district and other parts of the coast have lost their boats. They have lost their homes. And they can't wait, as the ranking member suggested, for the 2008 funding cycle. The ones who still have their boats can't afford to buy fuel to go fishing if they do get a fishing season this year.

Marinas throughout my district have gone out of business. The few that are left open have had to lay off up to 80 percent of their employees. Fishing lodges throughout the coastal area are near bankruptcy. And all of this because of a failed water policy and the previous majority's failure to deal with this disaster declaration last year, a disaster declaration that was made by the Secretary of Commerce. These folks can't wait.

Also, as previously mentioned, this important bill contains rural school funding that is critical to school districts throughout rural America. And they are entitled to this funding because the Federal Government owns the property that would otherwise generate taxes that would fund these schools. This funding goes for schools and for the road maintenance in these areas.

I have one county that has 80 percent federally owned property. And to talk about rubbing salt on a wound, not only do they get their school funding and their road maintenance funding taken away, but they are still required to maintain the roads throughout this federally owned property. This is an incredibly important bill that needs to be passed and should not be vetoed by this administration.

I urge an ''aye'' vote.

Mr. LEWIS of California. Mr. Speaker, I am proud to yield 5 minutes to my colleague from the committee, Mike Simpson.

Mr. SIMPSON. I appreciate the gentleman yielding time, and I appreciate the leadership of the ranking member from California on this committee.

Mr. Speaker, one of the difficulties we often have is you are tasked if you are a member of the party of the administration to sometimes defend the administration. But sometimes the administration, quite frankly, does things that are undefendable. If you read the statement of administration policy and what they would do and why they would veto this bill, I have got to tell you, I believe it is undefendable.

I want to thank Chairman OBEY for recognizing that even in a time of war, not all emergencies are war-related, that unanticipated circumstances occur that require our attention. Unanticipated floods and droughts and hurricanes occur that require our attention. Unanticipated wildfires occur that require our attention. Unanticipated actions that are taken that

would impact our county schools and road budgets need to be taken into account.

If you read the administration's statement of administration policy, I want to read from it, if I could.

The Office of Management and Budget, Statement of Administration Policy.

The administration strongly supports efforts to increase opportunities for America's farmers and ranchers in rural communities. However, H.R. 2207 would allow almost $7 billion in unrequested spending that is unjustified and not appropriate for an emergency spending bill.

Mr. Speaker, I will tell you that if you look at the funding in this bill, it is exactly what emergency spending is for. As an example, if you look at what we have done in the agricultural section of this bill; we have had droughts, we have had problems in the agricultural community. And while the administration talks about how good the ag economy is and how good the 2001 farm bill worked, and that the ag economy is up like $16 billion in income this year, the fact is that, in isolated cases and in isolated situations, you have disasters, you have floods, you have droughts. We have a responsibility to help those people. That's what an emergency is. I don't think the administration recognizes that.

When you have wildfires that occur throughout this country that are more than we anticipate, and if you will look at the news any given night, wildfires are occurring now in California and other places, we have to put out those wildfires. If we don't, the costs grow and become enormous.

If you look at the Secure Rural Schools and Community Self-Determination Act, I don't know if most people understand what that is. Counties used to get a part of the timber sales to help fund their roads and their schools. Timber sales were being reduced so much that those funds were drying up and it was affecting those counties that were predominantly rural counties and had many public lands in them. Mr. THOMPSON said he has one that is 80 percent Federal land. I've got one that is 96 percent Federal land.

What we did was we put this into place 10 years ago. The problem was it said that we will wean the schools off of this and find a way to replace those funds. How do you replace those funds if you are a county that is 96 percent Federal land? You have no private land for taxes. How are they going to find the resources to replace that funding?

So we did it in the Secure Rural Schools and Community Self-Determination Act. Now, the administration says they have come up with a perfectly reasonable alternative to fund this, an offset, if you will. They want to sell public lands. They proposed that last year, selling nearly 250,000 acres in Idaho. The people of this country stood up and rejected that idea. The people of this country do not want to willy-nilly sell public lands.

We have a responsibility, when the Federal Government owns an overwhelmingly majority of public lands in a lot of the western States, 64 percent in Idaho, we have a responsibility to help those counties with some of the funds where they don't have the tax base to address these needs themselves. Otherwise, you are going to have schools that, quite frankly, don't have a budget next year. Is it an emergency? Can we wait until 2008? I don't think so. They start school before that, and we have to address it.

Mr. Speaker, I appreciate the fact that the administration is trying to address the deficit, but to suggest that these needs are nonemergency, that we should be able to anticipate them, I think is just wrong.

I hope my colleagues will vote for this bill. And again, I thank the chairman of the committee. I thank the ranking member of the committee for the work that they do. It is always difficult when you are trying to address both the deficit and the needs of this country, and they do a very, very good job of it.

Ms. DELAURO. Mr. Speaker, I ask unanimous consent to control the remaining time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. I would like to recognize the gentleman from Minnesota, the Chair of the Agriculture Committee (Mr. PETERSON) for 2 minutes.

Mr. PETERSON of Minnesota. I want to thank the gentlelady and Mr. OBEY and others for working to put together this bill.

The Agriculture Committee is very interested, obviously, in the disaster provisions in this bill. It's something that we've been working on for a long time and we've been trying to get accomplished the last couple of years.

In my particular district, we had our agriculture disaster back in May of 2005, and the guys are still having a tough time keeping their head above water. We've been waiting a long time for this.

As has been said by other people, this is something that affects just about every part of the country. And it is a true emergency because this is something that is beyond the control of producers, and it is something that we ought to, as a government, be responding to. We do it for homeowners and businesses, when we have a hurricane or a flood or a tornado or some kind of event like that, with FEMA. We have a process where we take care of this. A lot of times we put emergency money into that to take care of the disaster, and it is only fit and proper that we do the same kind of thing for folks in agriculture.

We, on the committee, have been working with the ranking member of the Agriculture Subcommittee and the full committee on this language. I just want people to know that this is the tightest language that has ever been written on a disaster bill. It has really been focused in on the folks that had the problem.

□ 2045

One of the most important things, for the first time, and this has not been something that has been able to be accomplished in the past, we are going to require that people have crop insurance in order for them to be able to be paid under this disaster bill. That is a big reform, and it gets us a long ways in the right direction. What we are hoping to do this year in the farm bill is put in a provision so that we can have this covered in the regular order as part of our regular farm program.

Mr. LEWIS of California. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Montana (Mr. REHBERG), a member of our committee.

Mr. REHBERG. Mr. Speaker, I would like to associate myself with Mr. WALDEN and Mr. SIMPSON when I say the President is dead wrong. In fact, he is almost to the level of being cruel, when an administration doesn't clearly understand a sense of urgency, when you only have 3 minutes to talk about something as serious as the lives of family members within places like Montana.

Rural schools, it hits 33 of my counties of the 56. The disaster with the farmers and ranchers hits the rest of the State. Virtually our entire State has been under a disaster since 2005.

It is always interesting to me when we debate on the floor the seriousness of Hurricane Katrina, or we talk about the hurricanes and we talk about floods. Drought sneaks up on you. It occurs during a period of years.

I can tell you in Montana we have seriously had to consider setting up crisis counseling for farmers and ranchers because of the emotionalism of not being able to pay for your children's food, their clothing, their shoes, their college education or even your own retirement, because it continually eats away at you.

It doesn't happen overnight like a flood or a tornado. It creeps up on you like a cancer. And to have an administration that doesn't have any more sense of urgency to understand that 2005 still has not been addressed, 2006 has not been addressed, and now we are in 2007 and we are arguing about the fact we want to veto this bill? That's cruel.

Clearly the administration needs to understand that there are emergencies beyond. Now, it's not without some criticism I level on the majority party when they tied it to the timelines in the Iraq supplemental. That's cruel as well, because essentially it held them hostage. And not one farmer or ranch group in Montana came up and said I want you to vote for the timelines in the Iraq supplemental because we need our money.

They were smarter than that. They can't be bribed. They don't want to be held hostage. They did not apply pressure. I thought it was unfair to tie it together in the first place.

So we finally come to where we need to be, and I want to thank the majority party for recognizing that. I hope they won't tie it again, because ultimately this is too important. We are in fact talking about lives and families and futures. The future of the State of Montana, it is an agricultural State. We need the opportunity to become whole by being able to go to the bank and to borrow the money to stay in business.

Please support this bill.

Ms. DELAURO. Mr. Speaker, the gentleman from Montana's words are eloquent.

Mr. Speaker, I yield 1¾ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentlelady for the time.

Mr. Speaker, the ranking Republican on the other side said there is no other reason for this than to make room for the fiscal year 2008 spending.

No, this is the unfinished business of the 109th Congress, the Republican Congress led by the Republican President in the White House, who allowed county and school payments to lapse without lifting a finger. Nothing was done. 780 counties are on the brink of losing essential services, closing jails, laying off deputy sheriffs, no rural law enforcement, no public health, other essential services jeopardized, thousands of jobs. 4,400 rural schools, already underfunded, struggling to make ends meet for their kids, are going to lose money if these payments aren't renewed. And the President says that does not meet any reasonable definition of an emergency.

Well, I guess if you live in the White House and you ride in motorcades protected by the Secret Service and you fly in a private 747, you're not too worried about cops in rural areas. You're not too worried about public health. You get free health care up at Walter Reed. You're not too worried about educating the Nation's kids and the kids in rural areas. But I am, and I represent that district. This is long overdue. This is an emergency.

And then for them to denigrate the emergency assistance to the fishermen? We had to drag the administration kicking and screaming last year to finally declare an emergency when they closed down the season and people couldn't work and they are losing their boats. Now they say it is unwarranted funding for the fishermen.

How distant from the reality of the American people can you get? Twice in one day we have tried to bring this President back to Earth, on a new course in Iraq and on the needs of the American people here at home.

Mr. LEWIS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the distinguished gentleman from California for yielding.

Mr. Speaker, I rise tonight in support, strong support, of the legislation that is before us this evening. In fact, my number one agriculture priority for 2007 is the passage of legislation similar to what we are addressing this evening.

We are going to deal with the farm bill later this year, but the reality is that many farmers in America and certainly the farmers I know in Kansas will not be around to take advantage of the provisions of the 2007 farm bill, absent some kind of assistance, due to no fault of their own.

In Kansas, we have struggled through five and six years of drought followed by this year's December 31, 2006, winter storms that caused 44 of Kansas' 105 counties to be declared natural disasters, followed by a winter freeze, three nights in April in which the temperatures were in the teens and much of what we thought was going to be a wonderful wheat harvest is now destroyed due to the cold weather. And as you have all seen most recently here just a few nights ago, tornadoes, hail and floods have now affected this part as well as the rest of the State of Kansas.

So, Mr. Speaker, if we care about an agricultural economy, this disaster assistance is so important. The average age of a farmer today in Kansas is 59 years old. There is almost no next generation. If we want young family farmers, we have got to make certain that the economic opportunities are there.

People will look to crop insurance. It doesn't work in the circumstances that we are talking about, multiyear disasters. Many crops, including livestock, are not covered. And we look to the farm bill. It is there for purposes of when the price of the commodity that the farmer sells is lower than the cost of production. So it is only through this type of agricultural assistance that we can see our farmers through from day to day.

If you care about life in rural America, if you care about the future of farmers, if you care about the future of the communities they live in, this is an important piece of legislation. In fact, you don't have to be a farmer to gain benefits from agriculture disaster. This is about whether or not in rural America we have people who shop on our Main Streets, whether or not we have kids in our schools.

So, Mr. Speaker, this is an important piece of legislation, and I ask my colleagues, both Republicans and Democrats, to support this legislation.

I thank the majority for allowing it to be brought to the floor tonight.

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentlelady for yielding.

Mr. Speaker, I represent farm families in desperate need of the disaster assistance in this bill, and that is why I am so offended by this Statement of Administration Policy threatening veto on this bill. Consider some of the words in the veto threat of the President: ''The farm economy is strong. Both crop and livestock receipts are forecast to be record high in 2007.''

You know, I don't think they get it. National numbers. National averages. These are of no value whatsoever to the individual farm family that gets wiped out in a disaster.

Most of the country on Labor Day of 2005 had a perfectly delightful Labor Day weekend. But part of the country got hammered to bits with Hurricane Katrina. I represent people living more than 1,000 miles from there, but we think we need to help those people. When it comes to the North Dakota farmers, who have been devastated, well, they need our help too. These are natural disasters certified by the President.

Take a look at this corn. You've heard of ''knee high by the 4th of July''? Well, this was taken in early July. When the wind starts blowing, the temperature soars and the rain stops and the drought takes hold, the families' income goes away. Family farmers lose their crops. Family farmers forced to sell their cattle. Family farmers lose their income. And without our help, without our help tonight, family farmers are going to lose their farms.

In North Dakota, this was the third worst drought on record, only following the thirties and the fifties. But we are not alone. Look at this figure. We had farmers through the great heartland, an area by the way providing some of the President's staunchest support, deeply hurting from these droughts and in need of this disaster bill.

We need to send a strong bipartisan signal and send it right now, tonight, help is on its way. Please vote for this bill.

Mr LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Ms. DELAURO. Mr. Speaker, I yield 3 minutes to the gentlewoman from South Dakota (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in strong support of this legislation to provide desperately needed disaster assistance to farmers and ranchers across this country who are suffering from natural disasters.

Over the past several years, large swaths of my home State of South Dakota have experienced persistent, severe, devastating drought. It has been particularly hard on livestock producers in my State. Its epicenter has been across central and western South Dakota, some of the Nation's prime cattle and sheep grazing land.

The drought worsened dramatically early last summer. Customary spring rains never came. By June, we were seeing temperature records being broken weekly and water holes going dry. The landscape was brown. By August it was black; bare, parched Earth where we usually have lush green grass.

Ranchers in my State had two options, purchase and haul feed and water at substantial cost to their cattle, or sell or dramatically cull their herds. Many of them chose the latter because of the persistence of this drought. Livestock auction markets across the region reported record sale numbers. Many producers were, in essence, selling their factories.

This is particularly hard on younger ranchers. So many of these ranchers now don't have adequate breeding stock to produce the calves today that they would have sold this fall. Thus, many of the real economic impacts are still to come. Once a ranch family leaves the land, they are gone forever. Small towns and local businesses suffer, schools and churches suffer, the very fabric of our communities is torn apart.

As devastating as this drought has been to our economy, the lack of appreciation for its seriousness among some who don't come from rural America has been equally frustrating. Many of my colleagues and I have been trying for almost 2 years to get this done. The administration has threatened to veto the assistance for the past 2 years through today. We filed a discharge petition at the end of the last Congress which nearly every Democratic Member and a handful of Republican Members signed, but Republican leadership failed to take action.

Supporters of this necessary relief have been criticized by some for trying to attach it to the emergency supplemental. Well, because the last Congress couldn't get its work done last year, this is all we have. We make no apologies for it. We have been forced to wait until today, and suffering U.S. farmers and ranchers have been forced to wait until today too.

The economic and psychological damage that these droughts cause is just as real as that caused by hurricanes, tornadoes and floods. This bill can alleviate some of that pain. Let's pass it tonight and get this assistance out to those throughout rural America, those who are quietly suffering on the land.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentlelady for yielding this precious time.

Mr. Speaker, I heard our colleagues from Oregon, from Idaho and Montana speak about the disasters that are striking their area and the need for funding and assistance from this legislation.

As we speak, there is a 22,000-acre segment of the Boundary Waters Canoe Area Wilderness in the Superior National Forest in the heart of my district on fire; 470 firefighters are out there trying to put the blaze out.

We need help every bit as much as do the people in Iraq for water and sewer and infrastructure investment. We need that help right here at home. If we don't have a strong and vibrant economy at home, we can't support our troops overseas. We can't support other countries and their needs. We have got to rebuild America. We have got to protect our land here at home. And this is only today's fire. We had just a year-and-a-half ago a huge blaze that ripped through the Boundary Areas Canoe Area.

We need this assistance, we need it now, and we need it in this bill.

□ 2100

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I would like to take up where my good friend from Minnesota left off in terms of dealing with the money that is in this legislation that would help us deal with the crisis that is occurring in our Nation's forests.

One of the legacies, unfortunately, of the last Congress where we had a meltdown of the budget process is that these issues were left unresolved. We have eviscerated the budgets for the Department of the Interior, shifting money out of operating budgets for purposes of firefighting. This is going to help us move back in the right direction.

One of the other casualties was the county payments program. In the last session, the implosion of the budget process where the Republican majority and the administration could not follow through, left 4,600 school districts across the west, including a number in my State in Oregon in a lurch.

This legislation steps up and meets the needs. It is not extraneous. I sincerely hope the President changes his tune and withdraws his veto threat.

Ms. DELAURO. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, it is interesting that when we talk about Hurricane Katrina, a horrible disaster that affected hundreds of thousands of lives, left people homeless; we talk about the recent tornado or hurricane wiping away a city, people ask me, particularly those from the urban areas, why they should vote for this. What is in it for them?

Well, this is just as much a disaster, but it is a different kind of disaster. This has salmon money. We have fishermen who can no longer pay for their boat. They can't pay for their crew or housing, and they are hurting. That is what supplemental budgets are for.

We have rural schools laying off teachers, disappearing sheriff departments, rural roads not being able to be fixed. This is a bill that impacts every single person in this room. This is a disaster. That is what supplemental budgets are all about. Please vote ''yes.''

Ms. DELAURO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentlelady.

When parts of Texas endure an extreme drought, the burden is felt most heavily by our farm families. A devastating lack of water left many of our counties parched. Sam Berry, a rancher from Lavaca County wrote me to say: ''After back-to-back bad seasons and with all my reserve hay gone, how much worse could it get''?

Well, as bad as that drought was down in Texas, it is nothing like the drought of understanding for the plight of farmers and ranchers here in Washington. They have faced indifference on top of indifference.

Federal disaster assistance dried up. I received similar pleas from farmers and ranchers like David Wagner in Lavaca County and others from Bastrop County and Caldwell County and Fayette and Colorado counties. The last Congress, with $10 billion to burn every month in Iraq, had nothing to offer these ranchers here at home. When our new Congress finally passed emergency help this March, that help was vetoed by the President.

The bill that we pass today is another attempt to provide much-needed assistance to these farmers and ranchers.

I know that ranching looks mighty easy over in the Oval Office when some over there seem to think that clearing out brush in August is vacation work. But for those for whom ranching is not a hobby, who have found that their fields turned fallow; for those like Pat Peterson of Red Rock whom high-priced hay means selling their best livestock, disaster endangers a life and a livelihood.

This spring, Texas has had some relief. But who is to say this wet spring will last, and it is not enough to make up for the last two really bad seasons that our farmers and ranchers have endured. Helping our farmers and ranchers now cannot guarantee them success, but it will go a long way in helping restore what has been lost and protect what remains.

I hope the House tonight will approve this bill and that the President will finally get behind the relief that his fellow Texans need so very much.

Mr. LEWIS of California. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I wanted to say, Mr. Speaker, as I listen to this debate tonight, I am reminded of my old alley cat, Hercules. When I was growing up in Athens, Georgia, I had a mean, tough cat. He was an alley cat who basically adopted me. You know, we humans don't really adopt cats. Athens, Georgia, kind of a hilly, foothills Appalachian town with ivy bank. In the ivy bank, we had lots of cute little chipmunks.

Hercules, being tough and could be the bully, could be somewhat like the majority party in some respects in that he was the alpha cat of the neighborhood. He would catch chipmunks at will. He would usually kill them and

eat them, dispensing of them quickly. But every now and then, and it is an interesting thing about cats, it is not unique to my cat, but he would catch a chipmunk and he would toy with it awhile. He would just play with it.

You would think: Did he have a change of heart? Is he going to let this chipmunk go? No, he would just play with it awhile.

Well, that is what is going on tonight. We are hearing a lot of discussion, a lot of administration bashing about how cruel the White House is and a lot of lamenting about the Republican Party, and a lot of talk about compassion for the farmers and the rural communities and schools. There has been talk about the horrors of fire, drought and windstorm.

And yet as we look at the rule that is governing this bill, which would be known as H. Res. 387 in the House Calendar No. 59, introduced by Ms. SLAUGHTER, of New York, if we turn to page 3, section 4, we read the fine print. And it says: ''Sec. 4.(a) In the engrossment of H.R. 2206, the Clerk shall—

''(1) await the disposition of H.R. 2237 and H.R. 2207;

''(2) add the respective texts of H.R. 2237 and H.R. 2207, as passed by the House, as new matter at the end of H.R. 2206;

''(3) confirm the title of H.R. 2206 to reflect the addition of H.R. 2237 and H.R. 2207, as passed by the House, to the engrossment,'' which as the Speaker knows and followed very closely, what this means is this is Hercules toying with the chipmunk.

It means there is not a disaster bill at all. It just means the majority party is toying with a disaster bill, because what happens, this goes right back to the President attached to the war funding bill.

Here is my point, Mr. Speaker. If all these things are true, why is the majority party toying with a disaster? We are right back where we started from. We have just jumped out from the war funding bill only temporarily for I guess some purpose of voting here, and I understand politics, you can't remove that from the House of Representatives, but the reality is we are toying with a disaster bill because we already know two things: All the gobbledygook on page 4 that the Clerk shall do means this bill gets rejoined with the military funding bill. That is a fact.

Number two, the President has already said he is going to veto the military funding bill, and one of the reasons is because of the extracurricular, nonmilitary items that are being added to it.

So what I would say to Hercules, if you were worried about that little old chipmunk, you really would let it go. And I would say to the majority party, if you really were sincere about disaster relief, you would separate it from this rule, this H. Res. 367 introduced by Ms. SLAUGHTER of New York and say, you know, we are going to have an up-or-down vote on a straight, free-standing separate disaster bill so that the farmers and ranchers and people out west can get the relief that we have heard over and over again on a bipartisan basis that they need so badly.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself the balance of my time.

Let me keep it short and sweet, Mr. Speaker. Let me simply point out that the items contained in this bill are not new add-ons. They are essentially items that clean up and finish last year's unfinished business. That is certainly the case with agriculture disaster. It is certainly the case with rural schools, a program which the previous Congress allowed to lapse. It is certainly the case with western wildfire, and it is certainly the case with the western fisheries' issues which the Congress of last year should have dealt with but didn't.

I ask for an ''aye'' vote on the bill.

Mr. UDALL of Colorado. Mr. Speaker, I support this supplemental appropriations bill.

Among other things, it will provide critically important funding for farmers and ranchers in southeastern Colorado who were hit hard by storms last winter. Thousands of cattle were killed.

While I have not seen a final total of the damage resulting from this winter's storms, it seems evident that they will be even worse than those resulting from an October 1997 storm that killed approximately 30,000 cattle and cost farmers and ranchers an estimated $28 million.

The struggles that family agriculture producers and small counties face are significant and are having a negative impact on the livelihood of hundreds of farmers and ranchers and their communities.

Besides heavy crop and livestock losses and increased production costs associated with rapidly escalating input costs, many producers also face infrastructure losses that pose serious, long-term challenges to economic recovery.

So, I am pleased that the bill includes financial assistance for our beleaguered farmers and ranchers, as well as for many others in other parts of the country who need and deserve assistance.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 387, the previous question is ordered on the bill, as amended.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lewis of California moves to recommit the bill, H.R. 2207, to the Committee on Appropriations to report the same promptly with an amendment to make the bill deficit neutral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. LEWIS of California. Mr. Speaker, this is a simple motion to recommit that sends the bill back to committee and instructs the committee to find offsets.

Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, this motion is really quite interesting. What it says is that the same folks who want to spend $57 billion on tax cuts on millionaires this year, all paid for with borrowed money, the same folks who are comfortable with the idea that we have got over a trillion dollars in unfunded tax cuts, all paid for with borrowed money, the same folks that want us to spend, no questions asked, at least $600 billion in a sad, sad war in Iraq, these folks have suddenly gotten religion, and they now have a motion that says they would like to see this bill be deficit neutral.

What that mean is they are going to ask the farmers of America to bear the full weight of deficit reduction in this bill. This is simply a device to kill the bill because instead of asking that the bill be reported forthwith, it asks that the bill be reported promptly. That, as you know, is code language for killing the bill. I don't think I need to say anything further.

If you want to provide the funding in this bill, you will vote against this motion to recommit. If you care about the farmers, if you care about the western wildfire problem, if you want to meet our obligation to the parts of the country that generally get stiffed and ignored, then you vote against the motion to recommit. If you care about these folks, you will vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

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

There was no objection.

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

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

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair may reduce to 5 minutes the minimum time for any electronic vote on the question of passing the bill.

The vote was taken by electronic device, and there were—yeas 184, nays 233, not voting 15, as follows:

[Roll No. 335]

YEAS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—233

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Eshoo
Etheridge
Farr
Filner
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—15

Baca
Blunt
Brady (PA)
Clay
Conyers
Davis, Jo Ann
Drake
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Pickering
Souder

□ 2137

Mr. MITCHELL and Mr. WELCH changed their vote from ''yea'' to ''nay.''

Messrs. LATHAM, SHIMKUS and TAYLOR of Mississippi changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DRAKE. Mr. Speaker, on rollcall No. 335, the Lewis motion to recommit H.R. 2207, I am not recorded. Had I been present, I would have voted ''yea.''

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 302, nays 120, not voting 10, as follows:

[Roll No. 336]

YEAS—302

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Chandler
Clarke
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Filner
Fortenberry
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Poe
Pomeroy
Porter
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)

Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—120

Akin
Bachmann
Baker
Barrett (SC)
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Calvert
Campbell (CA)
Cantor
Castle
Chabot
Coble
Cooper
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Lewis (CA)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy, Patrick
Murphy, Tim
Myrick
Paul
Pence
Petri
Pitts
Platts
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NJ)
Smith (TX)
Stark
Stearns
Tancredo
Terry
Tiberi
Turner
Upton
Walberg
Wamp
Waxman
Weldon (FL)
Weller
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Brady (PA)
Clay
Davis, Jo Ann
Engel
Fattah
Hastert
Johnson, Sam
McMorris Rodgers
Peterson (PA)
Souder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

□ 2145

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. REYES. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2082 pursuant to House Resolution 388, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. WESTMORELAND. I make a point of order under clause 9(a) of rule XXI regarding the earmarks in this bill, H.R. 2082. The list of earmarks in this bill fails to meet the requirements of clause 9(a) in that the list is deficient. One of the earmarks listed was included in the bill even though it failed to meet the requirement that the requesting Member notify in writing the chairman and ranking minority member of the committee.

The SPEAKER pro tempore. Under clause 9(a) of rule XXI, the Chair is constrained to ask a threshold question relating to the cognizability of the point of order.

Is the gentleman from Georgia alleging the absence of an entry in the report of the Permanent Select Committee on Intelligence in compliance with clause 9(a) of rule XXI?

Mr. WESTMORELAND. Mr. Speaker, I am saying that under clause 9(a) of rule XXI, that the list is deficient and did not include a notice to the ranking minority member on the committee of the earmark.

The SPEAKER pro tempore. The Chair finds the entry on pages 50 and 51 of the Report of the Permanent Select Committee on Intelligence constitutes compliance with clause 9(a) of rule XXI.

The point of order is overruled.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to notify the ranking minority member of his request, as required under clause 17 of rule XXIII?

The SPEAKER pro tempore. The Chair cannot render advisory opinions or respond on hypothetical premises.

Mr. WESTMORELAND. Mr. Chairman, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though the list fails to include an earmark contained in the bill?

The SPEAKER pro tempore. Again, the Chair does not purport to issue such an advisory opinion.

Mr. WESTMORELAND. Mr. Speaker, I don't believe this is a hypothetical situation, but I want to make further parliamentary inquiry, if I could.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Is the Chair saying that the mere existence of a list is sufficient, even though it includes an earmark where the requesting Member failed to certify he has no financial interest in the earmark?

The SPEAKER pro tempore. The Chair's response must remain the same.

Mr. WESTMORELAND. Finally, one last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Finally, is the Chair saying that the mere printing of a list of earmarks, or a statement that the bill contains no earmarks, is sufficient to render the point of order against the bill as not recognized by the Chair?

The SPEAKER pro tempore. The Chair can affirm that clause 9 of rule XXI contemplates that the presence of earmarks and limited tax and tariff benefits be disclosed or disclaimed. Complying statements, listing such provisions or disclaiming their presence, must appear either in the report of a committee or conference committee or in a submission to the CONGRESSIONAL RECORD.

Paragraph (a) of clause 9 establishes a point of order. Paragraph (c) of clause 9 requires that such a point of order be predicated only on the absence of a complying statement.

Clause 9 of rule XXI does not contemplate a question of order relating to the content of the statement offered in compliance with the rule. Argument concerning the adequacy of a list or the probity of a disclaimer is a matter that may be addressed by debate on the merits of the measure or by other means collateral to the review of the Chair.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. So, Mr. Speaker, is it my understanding, from your last comments, that even though the rule specifically state that these procedures should be followed, and that they were not followed in this particular instance, that you are going to rule that the list, even though deficient not containing all the earmarks, just the mere fact that there was a list presented, no matter how accurate, that that will stand?

The SPEAKER pro tempore. The Chair would not deign to say what the gentleman understands, but the Chair's statement speaks for itself.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Under the rules, is there any limit to the number of times a Member may ask the identical parliamentary inquiry?