

tempore (Mr. KNOLLENBERG) at 4 o'clock and one minute p.m.

#### GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks during further consideration of H.R. 4461, and that I may include tabular and extraneous material.

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

There was no objection.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4461.

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#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Thursday, June 29, 2000, the bill was open for amendment from page 57, line 12, to page 58, line 8.

Are there further amendments to that portion of the bill?

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage in a series of discussions with the distinguished gentleman from New Mexico (Mr. SKEEN).

Mr. Chairman, as we know, the Senate bill provides direct payments to dairy farmers estimated at \$443 million to offset the record low prices we have seen for much of the past year.

I would simply ask the chairman if he would be willing to work with me to ensure that direct payments for dairy farmers are included in the bill when it emerges from conference.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I would be pleased to work with the gentleman from Wisconsin. I find that we agree more often than not on the specifics of dairy policy, and would point to the last 2 years of economic assistance payments we have jointly inserted into

the agriculture appropriations conference report as proof.

Accordingly, I will be pleased to carry out our tradition of working together on dairy producer assistance, when and if we ever get to conference.

Mr. OBEY. Mr. Chairman, I thank the gentleman.

Let me turn to another subject, that of ultrafiltered milk. It seems there is always some new issue popping up in the dairy area. There are growing fears about the damaging impact on domestic dairy producers from imports of dry ultrafiltered or UF milk.

Ultrafiltration is an important technology widely used in cheese plants for about 15 years to remove water, lactose, and minerals and allow manufacturers to manipulate the ingredients in cheese to arrive at the desired finished product.

The use of liquid UF milk from another location has been approved by FDA on a case-by-case basis, but there is another problem. The problem is the threat of unlimited imports of dry UF milk from places like New Zealand following a petition to FDA earlier this year by the National Cheese Institute to change the standards of identity for cheese.

I understand that there are no quotas or tariffs on this product, which is currently used in bakery mixes, ice cream, and other products that do not have the strict standards of identity that cheese has. There have also been newspaper reports suggesting that dry UF milk is already being imported for use in American cheese plants, in violation of FDA regulations.

We need to know what the facts are so we can develop an appropriate response. At a minimum, we need to understand first how much UF milk is coming into the country and what it is used for. I would ask the chairman of the subcommittee if he would be willing to work with us to get answers to those questions through the GAO and other sources.

Mr. SKEEN. Mr. Chairman, I, too, have an interest in ultrafiltered milk. I believe it is prudent to have empirical facts in order to understand the specifics of a somewhat muddled portion of the dairy production and cheese-making process.

I would offer to the gentleman that we will jointly direct either the GAO or the committee S&I staff to conduct a factual investigation into how much UF milk is produced in this country and how much is being imported and what it is used for. At that time, and with the facts on our side, I am confident that we will be able to address the issue in an intelligent and productive manner.

Mr. OBEY. I thank the gentleman.

Now I would like to turn to another subject, Mr. Chairman. That is the Dairy Export Incentive Program.

I am concerned that the USDA is not being aggressive enough in encouraging dairy exports through the Dairy Export Incentive Program, or DEIP, which al-

lows us to compete in world markets with highly subsidized exports in the European Union.

About 10 percent of DEIP contracts are apparently canceled, I understand due mainly to price undercutting by our competitors. For whatever the reason, we apparently have about 40,000 metric tons of canceled nonfat dry milk contracts dating back to June of 1995. This canceled tonnage can be reprogrammed for export by allowing exporters to rebid for them, but the Foreign Agricultural Service appears reluctant to do that, perhaps fearing that it may be taken to the WTO court by the European Union.

Mr. Chairman, as we know, DEIP saves money. It is cheaper to export surplus nonfat dry milk than it is for USDA to buy it and store it. Removing this product from the domestic market would have a beneficial impact on dairy prices. As such, again, I would ask the chair of the subcommittee to help me convince USDA to propose a solution to resolve the problem by the time we have reached conference on this bill, one that might include establishing a procedure for automatic rebidding of canceled tonnage.

Mr. SKEEN. Mr. Chairman, again, I would be pleased to work with the gentleman to address his concerns, as they are shared by myself and many others. It seems the administration has been entirely too willing to roll over to our competitors without looking to the interests of America's farmers and ranchers first, and anything we can do to reverse the trend will be a step forward.

Mr. OBEY. I thank the chairman.

Mr. Chairman, I would like to raise the question of cranberries.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 4 additional minutes.)

Mr. OBEY. Mr. Chairman, with respect to that product, cranberry growers, as we know, like all farmers today, it seems they are in dire straits due to overproduction, massive overproduction and lower prices. It costs about \$35 per barrel to produce cranberries. Some growers in my district are getting as little as \$9 or \$10 a barrel for their crop.

The USDA recently announced its support for industry-proposed volume controls that are desperately needed to get a handle on overproduction. That is part of the solution, but will add to the farm income problems those cranberry growers are facing, so it seems to me we have to look for more things that can be done.

Another part of the solution might be for USDA to purchase surplus products. USDA has been very responsive so far looking for opportunities to purchase surplus product, but much more needs to be done if we are to restore balance to supply and demand.

As we know, cranberries are among the specialty crops eligible for purchase by the Secretary, with \$200 million provided from the recently-passed crop insurance bill.

Would the chairman work with me to urge USDA to aggressively use the authority it has to purchase surplus cranberry products in a way that will make a significant difference to the industry?

Mr. SKEEN. If the gentleman will yield further, I will be glad to work with the gentleman towards that end.

Mr. OBEY. I would also appreciate it if the chairman would also help us to explore the possibility of helping growers through the current difficult times with direct payments.

The Cranberry Industry estimates that \$20 million will improve income by about \$3 to \$4 per barrel for each grower. This bill already includes \$100 million direct assistance to apple and potato growers. We have helped pork farmers, dairy farmers, wheat, corn, cotton, rice, oilseeds, and many others.

Would the chairman of the subcommittee be willing to work with me to ensure that America's cranberry growers receive the same kind of consideration in this respect that many other farmers have received?

Mr. SKEEN. If the gentleman will continue to yield, again, I would be very happy to work with the gentleman, as I, too, believe that specialty crops do not receive the support and attention that they deserve. Cranberries would definitely fall into that category.

Mr. OBEY. I thank the chairman, and I appreciate his consideration.

Ms. BALDWIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, recently I introduced H.R. 4652, the Quality Cheese Act of 2000. This bipartisan bill would prohibit the FDA from allowing the use of dry ultrafiltered milk in the making of natural cheese.

My reason for introducing the bill was simple. Dry ultrafiltered milk, which is a milk derivative, can come in the United States virtually duty-free. It can take the place of domestically produced milk in cheese vats and the consumer cannot tell the difference. Using imported dry ultrafiltered milk would also undercut our domestic dairy farmers' market for their milk. My Wisconsin dairy farmers are already receiving the lowest price for their milk in over 20 years. We cannot allow their market to be further eroded.

There have been reports in farm publications that there are large volumes of dry ultrafiltered milk currently being imported. That is perfectly legal, but we do not know what the dry ultrafiltered milk is being used for. If this dry ultrafiltered milk is being used in natural cheese-making, it is being used illegally, to the detriment of consumers and the dairy farmers I represent.

It is my hope that the gentleman from New Mexico (Mr. SKEEN), the dis-

tinguished chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, will work with myself and the gentleman from Wisconsin (Mr. OBEY) to find an answer to this important question.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, as the gentlewoman knows, I also have an interest in ultrafiltered milk, as I recently discussed with the gentlewoman's colleague, the gentleman from Wisconsin (Mr. OBEY). I believe it is wise to understand the specifics of a somewhat muddled segment of the dairy production and cheese-making production.

Accordingly, we have to agree to jointly direct either the GAO or the subcommittee's S&I staff to conduct a factual investigation into how much UF milk is produced in this country and how much is being imported and what it is used for, and at that time, with the facts on our side, I am confident that we will be able to address the issue in an intelligent and productive manner.

I appreciate the gentlewoman's concerns, and look forward to working with her on behalf of the Nation's dairy industry.

Ms. BALDWIN. I thank the gentleman, Mr. Chairman.

AMENDMENT NO. 38 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. BROWN of Ohio:

Page 58, line 4, insert after the colon the following: "Provided further, That \$3,000,000 may be for activities carried out pursuant to section 512 of the Federal Food, Drug, and Cosmetic Act with respect to new animal drugs, in addition to the amounts otherwise available under this heading for such activities:".

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Mr. BROWN of Ohio. Mr. Chairman, this amendment concerns antibiotic resistance from the use of antibiotics in livestock.

I would like to start with a story. Imagine your 7-year-old daughter is very sick from food poisoning. You take her to the hospital and antibiotics do not help. In a week, she dies a painful death. The autopsy shows that her body is riddled with *E. coli* bacteria which ate away at her organs from her brain down. This is a true story, and it happened to a family in northeast Ohio 2 years ago.

We thought we were winning the war against infectious diseases. With the introduction of antibiotics in the 1940s, humans gained an overwhelming advantage in the fight against bacteria

that cause infectious diseases, but the war is not over.

Mr. Chairman, 2 weeks ago, the World Health Organization issued a ringing warning against antibiotic resistance. Around the world, microbes are mutating at an alarming rate into the new strains that fail to respond to drugs.

Dr. Marcos Espinal of the World Health Organization said, "we already have lost some of the current good antibiotics, streptomycin for TB; it's almost lost. Chloroquin for malaria, it's lost; penicillin, nobody uses it now; if we keep the same pace, we will be losing other potent and powerful drugs. So a window of opportunity is closing, and I would say if we don't act now, in 5 to 10 years, we will have a major crisis"; words from the World Health Organization.

We need to develop, Mr. Chairman, new antibiotics but it is too soon obviously to give up on the ones we have. By using antibiotics and antimicrobials more wisely and more sparingly, we can slow down antibiotic resistance.

We need to change the way drugs are given to people to be sure, but we also need to look at the way drugs are given to animals. According to the WHO, 50 percent of all antibiotics are used in agriculture, both for animals and for plants. In the U.S., livestock producers use drugs to treat sick herds and flocks legitimately. They also feed a steady diet of antibiotics for healthy livestock so they will gain weight more quickly and be ready for market sooner.

Many of these drugs are the same ones used to treat infections in people, including tetracycline. Prolonged exposure to antibiotics in farm animals provide a breeding ground science tells us for resistance strains of *E. coli*, salmonella and other bacteria harmful to humans. When transferred to people through food, it can cause dangerous infections.

Last week, an interagency task force issued a draft Public Health Action Plan to combat antimicrobial resistance. The plan provides a blueprint for specific, coordinated Federal actions. A top priority action item in the draft plan highlights work already underway at the Food and Drug Administration's Center for Veterinary Medicine.

In December of 1998, the FDA issued a proposed framework for evaluating and regulating new animal drugs in light of their contribution to antibiotic resistance in humans. The agency proposes to evaluate the drugs on the basis of their importance in human medicine and the potential exposure of humans to resistant bacteria that come from animals.

Mr. Chairman, this amendment would direct \$3 million toward the Center for Veterinary Medicine's work on antibiotic resistance related to animal drugs. CVM Director Sundloff has stated that antibiotic resistance is the Center's top priority. However, the framework document states the agency

will look first at approvals for new animal drugs and will look at drugs already in use in animals as time and resources permit.

We think an additional \$3 million would give a significant boost to the ability of the Center for Veterinary Medicine to move forward on antibiotic resistance. Our amendment directs FDA to shift these funds from within the agency, while leaving the decision on the sources of the offset to the agency itself.

Please note the Committee on Appropriations, Mr. Chairman, has recommended a \$53 million budget increase for FDA. Given this increase, we believe the agency can free up \$3 million of that increase for its work on antibiotic resistance without harming other programs.

Mr. Chairman, I ask for his support, and ask for support of Members of the House for this amendment. The lives of our young children and our elderly parents, the people most vulnerable to food-borne illness, may be at stake.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it provides an additional \$3 million for a particular FDA activity, presumably to be funded at the expense of other FDA priorities.

I understand the forthright interest of the gentleman from Ohio (Mr. BROWN) in this situation and what the gentleman wants to do. The committee has fully funded the President's fiscal year 2001 budget request for new animal drug review, as can be seen on page 60 of the committee report on this bill.

The President requested \$62,761,000 for the animal drugs and feeds program, an increase of \$14,048,000 over fiscal year 2000. The committee fully funded the administration's request, which is a generous 22 percent increase.

Since the request was fully funded, I oppose the amendment and urge my colleagues to do the same. Please vote no on the amendment.

Mr. STUPAK. Mr. Chairman, I move to strike the last word and rise to support the Brown amendment to increase the antibiotic resistance funding by \$3 million. Earlier this month, the World Health Organization issued a strong warning against antibiotic resistance.

If I may quote from the WHO, they said, "the world may only have a decade or two to make optimal use of many of the medicines presently available to stop infectious diseases. We are literally in a race against time to bring levels of infectious disease down worldwide before the disease wears the drugs down first"; that is by Mr. David Heymann, executive director of the World Health Organization's communicable disease program.

Mr. Chairman, while many factors contribute to antibiotic resistance, an important cause is the overuse of antibiotics in livestock, both for treating disease and promoting faster growth. Many livestock receive a steady diet of antibiotics that are used in human medicine, especially tetracycline and penicillin.

Antibiotic-resistant microbes are then transferred from animals to humans primarily in food, causing infection from salmonella and E. coli that are difficult or impossible to treat.

Children and the elderly are most at risk for serious illness or death. The World Health Organization recommends reducing antibiotic use in animals to protect our own human health.

The Food and Drug Administration's Center for Veterinary Medicine, CVM, is taking steps to reduce the problem of antibiotic resistance from drug use in livestock. The agency's plan primarily addresses new animal drugs and will address drugs currently in use when resources permit.

That is where the Brown amendment comes in. This amendment would increase funding for the Food and Drug Administration's Center for Veterinary Medicine by \$3 million for activities related to antibiotic resistance. Since the committee is recommending that the FDA receive an increase of \$53 million, the Brown amendment would simply direct the agency to allocate an additional \$3 million from the \$53 million for this very important work.

Mr. Chairman, I would urge my colleagues, both Democrats and Republicans, to support the Brown amendment and this very important program.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Brown amendment.

Mr. Chairman, I would like to bring to the attention of the gentleman from New Mexico (Chairman SKEEN) and the body that this certainly has been described as a very serious issue in America today. I appreciate the opposition of the gentleman from New Mexico (Chairman SKEEN) to it on the basis of the funding. We do not know exactly where the funding is coming from, and I also understand that this is an issue that was not brought to the attention of the committee or subcommittee prior to today for increased funding.

I would like to let the body know that there is some funding in the food safety initiative and the FDA has the jurisdiction, or the responsibility, of looking at these kinds of issues and monitoring this, and we are absolutely not doing a sufficient job. I think that we do need some additional resources and efforts in this area.

I would encourage, Mr. Chairman, the gentleman from New Mexico (Mr. SKEEN) to try to work with us to see if we could not find some additional funding as we move into conference, but I would like to support the amendment of the gentleman from Ohio (Mr. BROWN).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited

to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381, as amended, may be credited to this account, to remain available until expended.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,350,000, to remain available until expended (7 U.S.C. 2209b).

#### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$69,000,000, including not to exceed \$2,000 for official reception and representation expenses: *Provided*, That for fiscal year 2001 and thereafter, the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

#### FARM CREDIT ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

#### TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The Secretary may transfer funds provided under this Act and other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection

Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to \$2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with the Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 713. Appropriations to the Department of Agriculture for the cost of direct and

guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the rural development loan fund program account; the rural telephone bank program account; the rural electrification and telecommunications loans program account; the rural housing insurance fund program account; and the rural economic development loans program account.

SEC. 714. Such sums as may be necessary for the current fiscal year pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 715. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 716. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may hereafter enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 717. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 718. Of the funds made available by this Act, not more than \$1,500,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 719. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 720. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 721. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 722. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 723. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 724. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104-127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$174,000,000.

SEC. 726. None of the funds appropriated or otherwise available to the Department of Agriculture in the current fiscal year or thereafter may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 727. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 729. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 730. None of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: *Provided*, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 731. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2002 appropriations Act.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to carry out a Community Food Security program or any similar activity within the United States Department of Agriculture without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 733. None of the funds appropriated or otherwise made available by this or any

other Act may be used to carry out provision of section 612 of Public Law 105-185.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title VII through page 72, line 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. Are there any amendments to this portion of the bill? If not, the Clerk will read.

The Clerk read as follows:

SEC. 734. Hereafter no funds shall be used for the Kyoto Protocol, including such Kyoto mechanisms as carbon emissions trading schemes and the Clean Development Mechanism that are found solely in the Kyoto Protocol and nowhere in the laws of the United States.

AMENDMENT NO. 58 OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 58 offered by Mr. KNOLLENBERG:

Page 72, line 5, strike Section 734 and Insert as Section 734:

None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol; Provided further, the limitation established in this section not apply to any activity otherwise authorized by law.

Mr. KNOLLENBERG. Mr. Chairman, I want to state at the outset that this amendment makes the language for this Agriculture Appropriations bill, H.R. 4461, exactly the same, word-for-word, as the language in the energy and water appropriations bill, the same, word-for-word, that will be in the foreign operations bill that will come before this body this week.

This language passed by voice vote with no opposition in about 1 minute just a few days ago. I would like to make four quick key points that are actually directed in this amendment. Number one, no agency can proceed with activities that are not specifically authorized and funded. Number two, no new authority is granted. Number three, neither the United Nations framework convention on climate control, nor the Kyoto Protocol are self-executing and specific implementing legislation is required for any regulation, program or initiative. Number four, since the Kyoto Protocol has not ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, I just want to urge all Members to support what is a bipartisan supported amendment, and it has been our effort to strengthen through clarification and offer consistently in all of these bills and we think that is the proper approach, it simplifies things, clarifies things and I think strengthens things.

Mr. Chairman, in the morning two days ago, the House Appropriations Committee accepted my amendment to the Foreign Operations Appropriations bill. That afternoon an amendment that the gentleman from Indiana Mr. VISCLOSKEY offered on the Energy and Water Appropriations bill was exactly the same wording as what I offered and what was accepted in the full House Appropriations Committee.

Mr. Chairman, I want to point out that this amendment regarding the Kyoto Protocol offered by me and then Mr. VISCLOSKEY and now again by me cannot, under the Rules of the House of Representatives, authorize anything whatsoever on this Agriculture Appropriations bill, H.R. 106-4461, lest it be subject to a point of order.

This amendment shall not go beyond clarification and recognition of the original and enduring meaning of the law that has existed for years now—specifically that no funds be spent on unauthorized activities for the fatally flawed and unratified Kyoto Protocol.

Mr. Chairman, the whole nation deserves to hear the plea of this Administration for clarification of the Kyoto Protocol funding limitation. The plea came from the coordinator of all environmental policy for this Administration, George Frampton, in his position as Acting Chair of the Council on Environmental Quality. On March 1, 2000, on behalf of the Administration he stated before the VA/HUD appropriations subcommittee, and I quote, "Just to finish our dialogue here [about the Kyoto Protocol funding limitation], my point was that it is the very uncertainty about the scope of the language . . . that gives rise to our wanting to not have the continuation of this uncertainty created next year."

Mr. Chairman, I agree with Mr. OBEY when he stated to the Administration, "You're nuts!" upon learning of the fatally flawed Kyoto Protocol that Vice President Gore negotiated.

Mr. Chairman, I thank the Congress for the focus on the activities of this Administration, both authorized and unauthorized.

This amendment shall be read to be a clarification that is fully consistent with the provision that has been signed by President Clinton in six current appropriations laws.

A few key points must be reviewed:

First, no agency can proceed with activities that are not specifically authorized and funded. Mr. Chairman, there has been an effort to confuse the long-standing support that I as well as other strong supporters of the provision on the Kyoto Protocol have regarding important energy supply and energy conservation program. For example, there has never been a question about strong support for voluntary programs, development of clean coal technology, and improvements in energy conservation for all sectors of our economy. Notwithstanding arguments that have been made on the floor in recent days, I have never, ever tried to undermine, eliminate, delete, or delay any programs that have been specifically authorized and funded.

Second, no new authority is granted.

Third, since neither the United Nations Framework Convention on Climate Change nor the Kyoto Protocol are self executing, specific implementing legislation is required for any regulation, program, or initiative.

Fourth, since the Kyoto Protocol has not been ratified and implementing legislation has not been approved by Congress, nothing contained exclusively in that treaty is funded.

Mr. Chairman, as you know, the Administration negotiated the Kyoto Climate Change Protocol some time ago but has decided not to submit this treaty to the United States Senate for ratification. All indications from this Administration lead to the conclusion that they have no intention of ever submitting the Kyoto Protocol to the Senate.

Pursuant to Article II, Section 2, Clause 2 of the United States Constitution, the President only has the power to make treaties "by and with the Advice and Consent of the Senate." It is therefore unconstitutional for the President to make a treaty in contravention of the Advice of the Senate. The unanimous (95-0) advice of the Senate was given in Senate Resolution 105-98, referred to as the Byrd-Hagel Resolution.

Likewise it is therefore unconstitutional for the President to make a treaty with no intention of ever seeking the consent of the Senate.

The Protocol places severe restrictions on the United States while exempting most countries, including China, India, Mexico, and Brazil, from taking measures to reduce carbon dioxide equivalent emissions. The Administration undertook this course of action despite unanimous support in the United States Senate for the Senate's advice in the form of the Byrd-Hagel resolution calling for commitments by all nations and on the condition that the Protocol not adversely impact the economy of the United States.

We are also concerned that actions taken by Federal agencies constitute the implementation of this treaty before its submission to Congress as required by the Constitution of the United States. Clearly, Congress cannot allow any agency to attempt to interpret current law to avoid constitutional due process.

Clearly, we would not need this debate if the Administration would send the treaty to the Senate. The treaty would be disposed of and we could return to a more productive process for addressing our energy future.

During numerous hearings on this issue, the administration has not been willing to engage in this debate. For example, it took months to extract the documents the administration used for its flawed economics. The message is clear—there is no interest in sharing with the American public the real price tag of this policy.

A balanced public debate will be required because there is much to be learned about the issue before we commit this country to unprecedented curbs on energy use while most of the world is exempt.

Worse yet, some treaty supporters see this as only a first step to elimination of fossil energy production. Unfortunately, the Administration has chosen to keep this issue out of the current debate.

I look forward to working to assure that the administration and EPA understand the boundaries of the current law. It will be up to Congress to assure that backdoor implementation of the Kyoto Protocol does not occur.

In that regard I would like to include in the RECORD a letter with legislative history of the Clean Air Act reported by Congressman JOHN DINGELL who was the Chairman of the House Conference on the Clean Air Act amendments of 1990. No one knows the Clean Air Act like Congressman DINGELL. He makes clear, and I quote, "Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases."

In closing, I look forward to the report language to clarify what activities are and are not authorized.

Mr. Chairman, I include the following letter for the RECORD:

OCTOBER 5, 1999.

Hon. DAVID M. MCINTOSH,  
*Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.*

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled 'EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources' and an October 12, 1998 memorandum entitled 'The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act' prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101-952, Oct. 26, 1990).

However, I should point out that Public Law 101-549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819-821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the 'Clean Air Act Amendments of 1990,' the Public Law does not specify that reference as the 'short title' of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled 'Information Gathering on Greenhouse Gases contributing to Global Climate Change' appears in the United States code as a 'note' (at 42 U.S.C. 7651k). It requires regulations by the EPA to 'monitor carbon dioxide emissions' from 'all affected sources subject to title V' of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a 'pollutant' for any purpose.

Finally, Title IX of the Conference Report, entitled 'Clean Air Research,' was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate

Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled 'Pollution Prevention and Control,' calls for 'non-regulatory strategies and technologies for air pollution prevention.' While it refers, as noted in the EPA memorandum, to carbon dioxide as a 'pollutant,' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101-549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,  
*Ranking Member.*

Mr. VISCLOSKEY. Mr. Chairman, I rise in support of the Knollenberg amendment. His characterization of the language is absolutely correct. It is the same as energy and water, it is the same as full committee has reported for foreign operations and essentially the same intent as Veterans Administration, HUD and Urban Development as well.

Mr. Chairman, I appreciate his work in a bipartisan fashion and, again, I agree with the premise of the gentleman from Michigan (Mr. KNOLLENBERG), Kyoto is not the law of the land, but we want to ensure that where we have authorized programs and where there is duplicate language that the law can also be followed. I do appreciate the initiative of the gentleman and would ask my colleagues to support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 735. After taking any action involving the seizure, quarantine, treatment, destruction, or disposal of wheat infested with karnal bunt, the Secretary of Agriculture shall compensate the producers and handlers for economic losses incurred as the result of the action not later than 45 days after receipt of a claim that includes all appropriate paperwork.

SEC. 736. Notwithstanding any other provision of law, the Town of Lloyd, New York and the Town of Harris, New York shall be eligible for loans and grants provided through the Rural Community Advancement Program.

1630

AMENDMENT NO. 56 OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, I offer an amendment.



The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. BOYD:  
Page 72, lines 18 and 19, strike "Town of Harris" and insert "Town of Thompson".

Mr. BOYD. Mr. Chairman, I want to make sure that we have the amendment correct. It should be the amendment that changes the "Town of Harris" to the "Town of Thompson."

The CHAIRMAN. The gentleman from Florida is correct.

Mr. BOYD. Mr. Chairman, it is a technical amendment. I ask support for the amendment.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I accept the gentleman's amendment and recommend that the House do so as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BOYD).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read: The Clerk read as follows:

SEC. 737. Hereafter, notwithstanding section 502(h)(7) of the Housing Act of 1949 (42 U.S.C. 1472(h)(7)), the fee collected by the Secretary of Agriculture with respect to a guaranteed loan under such section 502(h) at the time of the issuance of such guarantee may be in an amount equal to not more than 2 percent of the principal obligation of the loan.

SEC. 738. The Secretary of Agriculture may use funds available under this and subsequent appropriation Acts to employ individuals to perform services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such employment actions, hereafter referred to as Personal Service Agreements (PSA), are authorized to be negotiated, the terms of the PSA to be prescribed and work to be performed, where necessary, without regard to such statutory provisions as related to the negotiation, making and performance of contracts and performance of work in the United States. Individuals employed under a PSA to perform such services outside the United States shall not by virtue of such employment be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management. Such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq. Further, that Government service credit shall be accrued for the time employed under a PSA should the individual later be hired into a permanent U.S. Government position within FAS or another U.S. Government agency if their authorities so permit.

SEC. 739. (a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking "and 2000"; and inserting "through 2001"; and

(2) in subsection (h), by striking "2000" each place it appears and inserting "2001".

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking "2001" and inserting "2002".

SEC. 740. In addition to amounts otherwise appropriated or made available by this Act, \$4,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 741. Notwithstanding section 718, title VII of Public Law 105-277, as amended, funds made available hereafter in annual appropriations acts may be used to provide market access program assistance pursuant to section 203 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5623), to any agricultural commodity as defined in section 102 of the Agriculture Trade Act of 1978, as amended (7 U.S.C. 5602), except for products specifically excluded by section 1302, title I of Public Law 103-66, as amended, the Omnibus Budget Reconciliation Act of 1993.

#### POINT OF ORDER

Mr. DEUTSCH. Mr. Chairman, I raise a point of order on this section restoring the eligibility of mink for MAP funds.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order that this section constitutes legislation?

The Chair finds, that this provision explicitly supersedes existing law in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 742. None of the funds appropriated or otherwise made available by this Act may be used to include a flood plain determination in any environmental impact study conducted by or at the request of the Farm Service Agency for financial obligations or guarantees to aquaculture facilities pending the completion by the Secretary of Agriculture and submission to Congress of a study regarding the environmental impact of aquaculture activities in flood plains in Arkansas.

SEC. 743. Notwithstanding any other provision of law or regulation, hereafter Friends of the National Arboretum, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code incorporated in the District of Columbia, shall not be considered a prohibited source with respect to the United States National Arboretum and its employees for any reason, including for the purposes relating to gifts, compensation, or any other donations of any size or kind, so long as Friends of the National Arboretum remains an organization described under section 501(c)(3) of such Code and continues to conduct its operations exclusively for the benefit of the United States National Arboretum.

SEC. 744. Notwithstanding any other provision of law, the Secretary shall include the value of lost production when determining the amount of compensation to be paid to owners, as provided in Public Law 106-113, appendix E, title II, section 204, for the cost of tree replacement for commercial trees destroyed as part of the Citrus Canker Eradication Program in Florida.

SEC. 745. (a) The Secretary of Agriculture shall issue regulations requiring, for each child nutrition program, that—

(1) alternate protein products which are used to resemble and substitute, in part, for meat, poultry, or seafood shall meet the nutritional specifications for vegetable protein products set forth in section 2(e)(3) of the matter relating to vegetable protein products in appendix A to part 210 of title 7, Code of Federal Regulations, as in effect on April 9, 2000; and

(2) if alternate protein products comprise 30 percent or more of a meat, poultry, or seafood product, that fact shall be disclosed at the point of service.

(b) The Secretary shall require that the regulations issued pursuant to subsection (a)

shall be implemented by each program participant not later than January 1, 2001, and thereafter.

SEC. 746. Effective 180 days after the date of the enactment of this Act and continuing for the remainder of fiscal year 2001 and each subsequent fiscal year, establishments in the United States that slaughter or process birds of the order Ratitae, such as ostriches, emus and rheas, and squab, for distribution in commerce as human food shall be subject to the ante mortem and post mortem inspection, reinspection, and sanitation requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) rather than the voluntary poultry inspection program of the Department of Agriculture under section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622).

SEC. 747. In using funds made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106-78; 113 Stat. 1175), or under the heading "CROP LOSS ASSISTANCE" under "COMMODITY CREDIT CORPORATION FUND" of H.R. 3425 of the 106th Congress (as contained in appendix E of Public Law 106-113 (113 Stat. 1501A-289)), to compensate nursery stock producers for nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, the Secretary of Agriculture shall treat the losses as losses to the 1999 nursery stock crop.

SEC. 748. Any regulation issued pursuant to any plan to eliminate Salmonella Enteritidis illnesses due to eggs (including the Action Plan to Eliminate Salmonella Enteritidis Illnesses Due to Eggs, published on December 10, 1999) which establishes requirements for producers or packers of shell eggs to conduct tests for Salmonella Enteritidis shall contain provisions to defray or reimburse the costs of such tests to producers or packers. Any requirements pursuant to any such plan to divert eggs into pasteurization shall be imposed only as a consequence of positive test results from end product testing. The number of environmental tests required pursuant to any such plan shall, to the extent practicable, not exceed the number of such tests required pursuant to existing national quality assurance programs for shell eggs.

SEC. 749. Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

"(3) LOANS TO POULTRY FARMERS.—

"(A) INABILITY TO OBTAIN INSURANCE.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

"(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

"(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

"(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

"(IV) meets the other requirements for the loan under this subtitle, other than (if the Secretary finds that the applicant's farming operations have been substantially affected by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) the requirement that an applicant not be able to obtain sufficient credit elsewhere.

"(ii) AMOUNT.—The amount of a loan made to a poultry farmer under clause (i) shall be

an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

“(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

“(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

“(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

“(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

“(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

“(IV) the farmer meets the other requirements for the loan under this subtitle, other than (if the Secretary finds that the applicant's farming operations have been substantially affected by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)) the requirement that an applicant not be able to obtain sufficient credit elsewhere.

“(ii) AMOUNT.—The amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

“(I) the amount of the hazard insurance obtained by the farmer; and

“(II) the cost of rebuilding the chicken house in accordance with current industry standards.”.

SEC. 750. Public Law 105-277, division A, title XI, section 1121 (112 Stat. 2681-44, 2681-45) is amended by—

(1) striking “not later than January 1, 2000” and inserting “not later than January 1, 2001”; and

(2) adding the following new subsection at the end thereof—

“(d) ADDITIONAL DISBURSEMENT.—

“(1) COTTON STORED IN GEORGIA.—The State of Georgia shall use funds remaining in the indemnity fund established in accordance with this section to compensate cotton producers in other States who stored cotton in the State of Georgia and incurred losses in 1998 or 1999 as the result of the events described in subsection (a).

“(2) GINNERS AND OTHERS.—The State of Georgia may also use funds remaining in the indemnity fund established in accordance with this section to compensate cotton ginner and others in the business of producing, ginning, warehousing, buying, or selling cotton for losses they incurred in 1998 or 1999 as the result of the events described in subsection (a), if—

“(A) as of March 1, 2000, the indemnity fund has not been exhausted;

“(B) the State of Georgia provides cotton producers (including cotton producers described in paragraph (1)) an additional time period prior to May 1, 2000, in which to establish eligibility for compensation under this section;

“(C) the State of Georgia determines during calendar year 2000 that all cotton producers in that State and cotton producers in other States as described in paragraph (1) have been appropriately compensated for losses incurred in 1998 or 1999 as described in subsection (a); and

“(D) such additional compensation is not made available until May 1, 2000.”.

APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES

SEC. 751. (a) APPLE MARKET LOSS ASSISTANCE.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use \$100,000,000 to make payments to apple producers. Payments shall be made on a per pound basis on each qualifying producer's 1999 production of apples, subject to such terms and conditions on such payments as may be established by the Secretary. Payments under this subsection, however, shall not be made with respect to that part of a farm's 1999 apple production that is in excess of 1.6 million pounds.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition, the Secretary shall use \$15,000,000 to provide compensation to producers of potatoes and to producers of apples who suffered quality losses to their 1999 production of those crops due to, or related to, a 1999 hurricane.

(c) NON-DUPPLICATION OF PAYMENTS.—Notwithstanding any other provision of this section, the payments made under this section shall be designed to avoid, taken into account other federal compensation programs as may apply, a duplication of payments for the same loss. Payments made under Federal crop insurance programs shall not, however, be considered to be duplicate payments.

(d) FUNDING.—The Secretary of Agriculture shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(e) EMERGENCY DESIGNATION.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 752. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay salaries and expenses of personnel to carry out section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) to reimburse approved insurance providers and agents for the administrative and operating costs that exceed 20 percent of the premium used to define loss ratio for plans currently reimbursed at 24.5 percent and a proportional reduction for the plans currently reimbursed at less than 24.5 percent.

#### POINT OF ORDER

Mr. COMBEST. Mr. Chairman, I rise to make a point of order against the provision appearing on page 85, lines 6 through 15, of H.R. 4461, the Agriculture Appropriations bill for fiscal year 2001.

The provision cited above violates clause 2(b) of rule XXI of the House in that it contains legislative or authorizing language in an appropriations bill as noted below:

The provision places a limitation on expenditures of the Insurance Fund authorized under the Federal Crop Insurance Act where such limitation does not exist under current law instead of confining such limitation on expenditures to funds made available under this act. Additionally, by addressing funds in other acts, the amendment changes existing law in violation of clause 2(b) of rule XXI of the House.

The CHAIRMAN. Although a limitation, the section addresses funds outside the current bill and, therefore, does constitute legislation. The point of order is sustained. Section 752 is, therefore, stricken from the bill.

The Clerk will read.

The Clerk read as follows:

#### TITLE VIII—TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT

##### SEC. 801. SHORT TITLE.

This title may be cited as the “Trade Sanctions Reform and Export Enhancement Act of 2000”.

##### SEC. 802. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL PROGRAM.—The term “agricultural program” means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) JOINT RESOLUTION.—The term “joint resolution” means—

(A) in the case of section 803(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 803(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 803(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on . . .”, with the blank completed with the appropriate date; and

(B) in the case of section 806(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 806(2) is received by Congress, the matter after the resolving clause of which is as follows: “That Congress approves the report of the President pursuant to section 806(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000, transmitted on . . .”, with the blank completed with the appropriate date.

(4) MEDICAL DEVICE.—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) MEDICINE.—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) UNILATERAL AGRICULTURAL SANCTION.—The term “unilateral agricultural sanction” means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) UNILATERAL MEDICAL SANCTION.—The term “unilateral medical sanction” means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity



that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

#### SEC. 803. RESTRICTION.

(a) NEW SANCTIONS.—Except as provided in sections 804 and 805 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) EXISTING SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

(2) EXEMPTIONS.—Paragraph (1) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed—

(A) with respect to any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(B) with respect to the Export Credit Guarantee Program (GSM-102) or the Intermediate Export Credit Guarantee Program (GSM-103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622); or

(C) with respect to the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14).

#### SEC. 804. EXCEPTIONS.

Section 803 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 803—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

#### SEC. 805. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 803 and except as provided in section 807, the prohibitions in effect on or after the date of the enactment of this Act under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country

supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credits or credit guarantees, shall remain in effect for such period as the Secretary of State determines under such section 620A that the government of the country has repeatedly provided support for acts of international terrorism.

#### SEC. 806. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 803(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

#### SEC. 807. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall only be made—

(1) pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period and completed with the 12-month period beginning on the date of the signing of the contract, except that, in the case of the export of items used for food and for food production, such one-year licenses shall otherwise be no more restrictive than general licenses; and

(2) without benefit of Federal financing, direct export subsidies, Federal credit guarantees, or other Federal promotion assistance programs.

(b) QUARTERLY REPORTS.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) BIENNIAL REPORTS.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

#### SEC. 808. CONGRESSIONAL PROCEDURES.

(a) REFERRAL OF REPORT.—A report described in section 803(a)(1) or 806(1) shall be referred to the appropriate committee or committees of the House of Representatives and to the appropriate committee or committees of the Senate.

(b) REFERRAL OF JOINT RESOLUTION.—

(1) IN GENERAL.—A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations, and a joint resolution introduced in the House of Representatives shall be referred to the Committee on International Relations.

(2) REPORTING DATE.—A joint resolution referred to in paragraph (1) may not be reported before the eighth session day of Congress after the introduction of the joint resolution.

#### SEC. 809. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect on the date of enactment of this Act, and shall apply thereafter in any fiscal year.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title shall take effect 180 days after the date of enactment of this Act, and shall apply thereafter in any fiscal year.

#### POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I rise to make a point of order against title VIII.

Mr. Chairman, I believe that title VIII violates clause 2 of rule XXI concerning legislating on an appropriations bill.

Title VIII is legislative in nature because it changes existing law by lifting sanctions against terrorist states in violation of a number of laws, including the Trading with the Enemy Act, the Cuban Democracy Act, and the Cuban Liberty and Democracy Solidarity Act, among other laws.

The CHAIRMAN. Does any other Member desire to be recognized on this point of order?

Mr. OBEY. Yes, I do, Mr. Chairman. I apologize, but I was momentarily distracted. Did the gentleman from Florida (Mr. DIAZ-BALART) just raise a point of order against the Nethercutt provision on the embargo?

Mr. DIAZ-BALART. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. OBEY. Mr. Chairman, let me simply say that I will not try to get into the merits of the subject, but speaking to the point of order, the gentleman from Florida is obviously correct in his point of order because the Committee on Rules did not protect this section of the bill under the agreement worked out on the majority side of the aisle, which means at this point that there is no provision in law that will protect farmers; ability to export to the countries named either in this bill or in the supplemental appropriations bill. I personally find that to be regrettable.

But because of the decision of the Committee on Rules to not protect this section of the bill and because of the agreement that was reached by the majority party caucus, farmers are left in never-never land on this subject. Because of that decision, the gentleman

is free to make the point of order, and there is no way to stop it from being stricken.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that title VIII is entirely legislative in character. As such, it violates clause 2(b) of rule XXI. The point of order is sustained. Title VIII is stricken from the bill.

Mr. OBEY. Mr. Chairman, since no one else seems to at the moment be prepared to address an urgent item, I move to strike the last word.

Mr. Chairman, let me simply take some time right now to indicate that I think the gentleman from New Mexico (Mr. SKEEN) has done a lot of hard work trying to essentially squeeze a small amount of dollars into an even smaller bag.

I think the problem is that because of the unrealistic limitation placed upon this subcommittee by the full committee allocation, which was made necessary by what I consider to be a misguided budget resolution which passed this place, it means that this bill falls far short in a number of areas. It certainly falls far short with respect to food safety items. It falls far short with respect to resources needed to deal with market concentration.

The average farmer is in danger of becoming a serf because of the huge concentration that we see in the poultry business, the meat packing business of all kinds, frankly. That is happening in other sectors of agriculture as well.

The problems in agriculture, pests and diseases, the bill falls very, very short of where it needs to be. The conservation programs fall some \$70 million short of the budget request. If we look at other problems, rural development, especially rural housing is \$180 million below the budget request. PL-480 overseas food donation program is significantly below the request. Agriculture research and extension programs are \$63 million below the request.

There are a number of problems associated with this bill, including the rider restricting egg safety measures to reduce salmonella contamination in eggs.

I would also say that this bill is totally absent any solution to the price problems being faced by many farmers. We have a collapsing price as far as dairy farmers are concerned. Many other farmers are facing similar problems with the products that they produce.

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And this bill will not be made whole until we move to conference, where we will be faced with a number of Senate amendments that would add literally billions to try to help farmers get out from under the impact of the misguided Freedom to Farm Act that passed this body several years ago.

So I just wanted to put on record now what my reasons would be personally for opposing the bill when the time comes, although I recognize that the gentleman from New Mexico has been given virtually no maneuvering room in solving some of these problems. The fault lies not with him. The fault lies, in my view, with the budget resolution which was adopted in the first place, which makes it virtually impossible for this House to meet its responsibilities to farmers, to consumers of agriculture products, and to those interested in the issue of rural development as well.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

(Mr. LATHAM asked and was given permission to revise and extend his remarks.)

Mr. LATHAM. Mr. Chairman, I too wanted to compliment the chairman from New Mexico on a great job on this bill. I think we will have a few more amendments, maybe in a few minutes here, but the gentleman from Wisconsin brought up a couple of points I wanted to speak to.

This is an appropriations bill. This is not policy. We are funding the policy that has been set by the Congress. I think there are a lot of things we can do to improve the future for our farmers; work harder on conservation to continue those efforts. I also think, as far as the livestock disease center that is going to be going into central Iowa, that that is going to be very, very important funding in this bill as far as the beginning of that process.

So I think this is a good bill. Obviously, we have very tight budget constraints that we are working under. But we also have to look at the fact that 5 years ago we had projected deficits of \$200 billion or more as far as the eye could see. It has been only with some fiscal restraint in this House that we have been able to talk about surpluses and talk about returning some money back to the people out there who work so hard to earn the money that we spend here every day. And it is very important that we spend that money wisely and just do not open the checkbook up or we will be back in the same kind of deficit situation we were previous to this.

We have to look, as far as farm policy, I think, with open eyes about looking at relief as far as taxes, estate taxes, for our farmers. We have to look at our trade policies, the sanctions. It is unfortunate but it is true that the language that was the authorizing language in this bill for Cuba and Libya, Iran, Iraq, and North Korea was stricken from the bill. It will be done this year. We are going to crack that door open as far as lifting sanctions. But what we have to do is look at the rest of the sanction policy that we have, not only with the administration but with the Congress itself.

We have got to learn someday that using food and medicine as weapons in foreign policy does not work. They never punish the people that they are

intended to punish. What we end up doing is hurting producers who are trying to sell into those markets. We put sanctions on countries with the idea of somehow hurting them, and all we do is hurt the poor people in those countries by depriving them of the availability of food and medicine.

We have also got to look at the regulatory situation we have in agriculture. As someone who lives on a farm, I understand that in northwest Iowa we have a lot of flat lands, they call them prairie potholes, and yet the bureaucrats here in Washington somehow believe that that is wetlands like they would envision them to be along the coast of the United States. It is not. We may have an eighth of an acre in the middle of a 240-acre field, and somehow that has to be protected, yet it is farmed every year anyway.

We have somehow got to make a determination in agriculture who has jurisdiction. Farmers have to deal with four Federal agencies today as far as wetlands regulations: USDA, Fish and Wildlife, the Army Corps of Engineers, and the EPA; and it is simply not working. They never get a straight answer from anyone.

So, Mr. Chairman, there are a lot of things that need to be done, we have to look at policy down the road, but again this bill is an appropriations bill. I think with the dollars we were given, the chairman did a fantastic job. And I also want to compliment the ranking member, who is not here, but compliment her also for the great cooperation. It is a real honor and privilege to serve on this subcommittee.

AMENDMENT OFFERED BY MR. BOYD

Mr. BOYD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOYD:

Page 96, after line 4, insert the following:

SEC. 753. None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), and the regulations issued pursuant to such section 1102(b).

Mr. BOYD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BOYD. Mr. Chairman, I rise to offer this amendment to right a wrong against the oyster harvesters of Connecticut.

This amendment would ensure that no funds would be used to force these men and women to return vital disaster aid back to USDA. Three years ago, the oyster fishermen who work

the Long Island Sound and their families faced tough times. By the fall of 1998, over 95 percent of the oysters on 1,750 acres of oyster beds had died, devastating the \$62 million industry and the families that relied on it for survival.

The USDA provided \$1.5 million in disaster assistance last year to help get these families through the crisis and to ensure the long-time survival of Connecticut's valuable oyster industry. It was the right thing to do. It helped these small businesses get through tough times. The oystermen thought that they had weathered the storm.

But after surviving the crisis, just a few weeks ago the oyster harvesters got a letter in the mail from the USDA saying it was sorry, it made a mistake, and it wanted its money back; it wanted the \$1.5 million returned. That money that was invested in reseeded oyster beds so that there would be an oyster harvest in the future, and it went to pay mortgages, to repair boats, and to feed and educate children.

Mr. Chairman, these are not people that have \$1.5 million to give back to the Department of Agriculture. They should not be forced to mortgage their homes and futures to pay for a bureaucratic mistake.

My amendment would simply prohibit any funds made available in this act or in any other act from being used to recover part or all of any payment erroneously made to any Connecticut oyster harvester for oyster losses in 1998.

CBO has ruled it as budget neutral, taking no essential funds out of this bill. I call on my colleagues to support the amendment and bring justice home to the oyster harvesters of Connecticut.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I accept the gentleman's amendment and recommend that the House do so as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BOYD).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COBURN:  
Insert before the short title the following title:

#### **TITLE IX—ADDITIONAL GENERAL PROVISIONS**

SEC. 901. None of the funds made available in this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug solely intended for the chemical induction of abortion.

Mr. COBURN. Mr. Chairman, we have addressed this amendment 2 years prior to now, and we have passed it each year in the House.

What this amendment does is limit and prohibit the use of funds by the Food and Drug Administration in approving any drug that's sole intended purpose is the chemical inducement of an abortion.

Why is this important? First of all, if we go and look at the authorizing language to the Food and Drug Administration what we will find is that, in fact, its charge and its mission is to provide safety and efficacy for life and health. There is nothing about the chemical inducement of an abortion that is safe, either for the mother or for the unborn child. The other reason that this is important is that it violates the very premise under which the FDA was authorized.

What this amendment would do is it would limit the expenditure of Federal funds by the Food and Drug Administration in their efforts to approve drugs whose sole purpose is to terminate life, to take the life of an unborn child.

One of the things that has come to light over the last 3 years that now cannot be disputed scientifically is that we have an ever enlarging number of women who encounter breast cancer. And although it is not politically correct in our culture today, the fact is that having an abortion markedly increases one's risk for breast cancer. There are now 10 out of 11 studies that prove that without a shadow of a doubt. An analysis of all those studies combined, plus other studies, show that there is a 30 percent increase in the risk for breast cancer.

We have funded through this Congress and many others marked research in breast cancer. We just passed a breast cancer and cervical cancer bill through this House with the whole goal to extend the life of these women. It would seem fitting to me that we would not want to allow the FDA to go down a course in which their whole intended purpose is to take the life of the unborn child.

The other thing that is important in this is that drugs that are intended solely for this purpose are intended so to take the life of a child under 9 weeks of age. We also have irrefutable evidence that now an unborn child at 19 days post conception has a heartbeat, and at 41 days post conception has brain waves.

If we look at our definition of death in this country and we say that the absence of brain waves and the absence of a heartbeat is death, then certainly the opposite of that is life. So what we are talking about is taking unborn life. Whether we fight about when life begins or not, we know it is present at 41 days. So we are talking about authorizing an agency of the Federal Government to figure out how best to provide a drug to take that life.

1700

That is not what this country is about, it is not what this bill should be about, and I would ask that the Members support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today, once again, in opposition to the Coburn Amendment that would limit FDA testing on the drug Mifepristone or RU-486. As Congressman COBURN has tried year after year, this amendment, as drafted, would limit FDA testing on any drug that might induce miscarriage, including drugs that treat cancer, ulcers and rheumatoid arthritis.

Although this debate is truly about the FDA's ability to test, research and approve any drug based on sound scientific evidence, I find this continual assault on a women's choice and right to control her body frustrating, to put it lightly.

Just yesterday, the Supreme Court upheld a woman's right to choose whether or not an abortion is right for her, without the State enacting undue restrictions. By ruling the Nebraska "partial birth" ban unconstitutional, the Court reiterated that *Roe v. Wade* is still the law of the land and cannot be undermined with ambiguous anti-abortion language.

The Supreme Court's decision spotlights the judicial branch's role in protecting and preserving the reproductive rights of American women as the Constitution provided. In a similar vein, the Federal Drug Administration is charged with determining whether a drug is safe and effective without political interference. However, Mr. COBURN's Amendment would interject politics into this process with no regard to the health and well being of women in the country.

Mifepristone is a proven safe drug that has been used in France since 1988 after the French Minister of Health declared Ru-486 "the moral property of women," thus showing the enlightened state of affairs in France that continues to elude this country.

However, Mifepristone has continually satisfied the FDA's safety requirement in 1996 based on clinical trials and after two favorable letters it is expected to receive final approval soon.

Although Mifepristone was developed as a drug that induces chemical miscarriage, I am more concerned about its other potential uses in treating conditions such as infertility, ectopic pregnancy, endometriosis, uterine fibroids and breast cancer.

The problem with characterizing this amendment as an abortion drug is that Mifepristone has the potential for so many other uses. Thus if we only highlight one use of Mifepristone, then we might as well do the same for chemotherapy drugs which can also cause miscarriage.

Yet, because of the FDA's arduous approval process, many drugs have been found to be safe and effective, notwithstanding their potential usefulness in inducing miscarriage.

Thus, if we go by the Coburn standard, most of these drugs would have not been developed, and future drugs may be jeopardized. Research of potential treatments for each of these conditions is crucial to women's health. Controversy concerning this particular drug should not be a barrier to treatment.

Science should dictate what drugs are approved by the FDA, not politics. Congress has never instructed the FDA to approve or disapprove a drug. The FDA protocol for drug approval depends upon rigorous and objective scientific evaluation of a drug's safety. Ultimately, this is a decision that should be made by the researchers and doctors.

This amendment could jeopardize the integrity of the FDA approval process. Under this

process, a company that wants to begin clinical trials on a new drug must submit an application for FDA approval. If that application has not been approved within 30 days, the company may move forward.

This amendment would prevent the FDA from reviewing any application for a drug that might induce miscarriage. No funds would be available for the FDA to even oversee any trials.

Therefore, I urge my Colleagues to oppose this amendment. We cannot afford to inhibit research on certain health conditions based upon the controversy of the particular drug. We also cannot allow the FDA to be limited in its ability to approve drugs based on politics.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Coburn amendment.

Since being elected to Congress eight years ago, I have been working with many of my colleagues for the right of all women in the United States to have safe, healthy alternatives to surgical abortions.

While we've seen RU-486 become available in Europe, we're still fighting for expanded research, development, and availability of drugs for medical abortions, like RU-486, here in the United States.

Even worse, in Congress we continue to face these outrageous efforts by the far right to block the Food and Drug Administration's approval of RU-486.

I'm sad to say it, but the Coburn amendment is the same attack that conservatives have tried every year.

Mr. Chairman, pure and simple, the Coburn amendment is an attack on a woman's right to make decisions that affect her health.

It seeks to deny a woman's right to safe medicines like RU-486 even when faced with a crisis pregnancy.

Furthermore, I ask my colleagues to realize that by prohibiting the FDA from approving these medicines—This amendment will also have a life-threatening impact on other women and men.

It harms those who have medical conditions, such as tumors, that can be treated with drugs like RU-486.

We cannot let the far right stand in the way of women's health or patients' lives.

I urge my colleagues—vote against the Coburn amendment!

Mr. SMITH of Michigan. Mr. Chairman, I am concerned about the implications on research if this amendment passes. Scientific study and preliminary evidence show Mifepristone (RU-486) has significant promise for the treatment of: Breast Cancer, Ovarian Cancer, Prostate Cancer, Cushing's Disease (a Pituitary Gland Disorder), Meningioma (benign brain tumors), and Ectopic Pregnancy.

If we block the FDA from testing or approving mifepristone, we may be penalizing thousands of Americans who have nothing to do with the abortion issue.

I feel this vote has greater ramifications than just abortion.

I am also concerned about preserving the scientific integrity of the FDA's drug approval process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending

that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 47 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 47 offered by Mr. ROYCE:

Page 96, after line 7, insert the following:

**TITLE IX—ADDITIONAL GENERAL PROVISIONS**

**SEC. 901. ACROSS-THE-BOARD PERCENTAGE REDUCTION.**

Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

Mr. ROYCE. Mr. Chairman, I realize that this year's agricultural appropriations bill is below last year's level, and I applaud the chairman for his efforts on that. However, even more reductions can be made in this bill, and should be made, because, frankly, Congress should continue to cut government waste.

Just a few weeks ago, the President signed into law a \$15.3 billion crop insurance and emergency farm package. That measure marks the third big bill out of the agricultural economy in the last 3 years.

Now, this emergency bill amounts to a mini-farm bill affecting most divisions of the agricultural department and sprinkling pet programs to special interest groups. In effect, Congress has been passing more than one agricultural appropriations bill each year; we have been passing two.

In fiscal year 1999, Congress passed \$6.6 billion in supplemental assistance. So far in fiscal year 2000, Congress has passed four different measures amounting to \$15 billion in emergency agricultural spending, and this includes the \$210 million of emergency spending attached to the military construction supplemental passed by this House just before the July 4th recess. Not even into fiscal year 2001 yet, Congress has already passed \$1.6 billion in emergency funding.

Mr. Chairman, Congress cannot afford to pass two appropriations bills for agriculture each and every year.

Since late 1998, Congress has allotted \$22 billion in disaster market loss payments to growers, roughly doubling the subsidies promised under the 1996 Freedom to Farm law. Lawmakers are beginning to use this annual ritual of emergency packages as their vehicle of choice for moving pet projects.

Under the guise of a national emergency, Congress rams through emergency spending bills full of unnecessary, unwanted, unauthorized, unmiti-

gated pork. The emergency package for Colombia-Kosovo and disaster relief included millions for a Coast Guard jet, for instance, for Alaska. It included money for an ice breaker and other egregious pork. If we do not cut back now, our senior citizens will pay the bills when Medicare or Social Security runs dry, and that is not a legacy any one of us wants to live with.

The Department of Agriculture in its current configuration still reflects the needs of an America that existed prior to the industrial revolution. These Depression-era programs still work to prop up commodity prices.

Most agriculture spending aimed at farmers is based on a restrictive centralized planning system. Sixty percent of farm payments goes to 15 percent of the farmers with gross sales in excess of \$100,000. Very little of these price supports goes to those who really need it, the small family farmers.

Attempts to manipulate markets and subsidize the economic life of a group of businessmen only harm consumers and farmers. Programs dedicated to agriculture comprise 34 percent of the Department's budget. The remainder goes to forestry, rural development, and welfare.

Back in 1862, when Abraham Lincoln created this agency, five out of 10 American workers were employed in agriculture. Well, that is no longer the case today; yet the Agriculture Department is the fourth largest agency in the President's cabinet, behind Defense, Veterans and Treasury. There is now about one bureaucrat for every six full-time farmers, and not a single one of these bureaucrats helps crops grow.

I support a gradual and consistent reduction in this appropriations bill. We have made progress in the 1996 reforms, but we need to do more; and we need to ensure that these reforms stay put. We must continue to wean agricultural special interests from their dependence on the Federal Government.

My amendment is supported by Citizens Against Government Waste. A 1 percent across-the-board reduction will save American taxpayers \$750 million next year alone. It is my hope that this money will go to debt reduction.

Again, the chairman has done an admirable job, but more can be done; and saving one penny on every dollar is the very least we can do. I urge my colleagues to support this amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, the process associated with the appropriation is long. It includes oversight hearings and evaluations of many proposals. The subcommittee reviewed detailed budget requests and asked several thousand questions for the record. In addition, the subcommittee received over 2,900 individual requests for spending considerations from Members of the House.

The funding presented in this year's bill represents the culmination of

many months of work by the subcommittee. The gentleman has not been specifically involved in the process.

The gentleman's amendment moves to arbitrarily cut funding without any consideration to the merit or value of the needs facing American agriculture. This approach ignores the methodical process that the committee used to fund the line items in this bill.

If the gentleman were truly interested in reducing the bill in a logical manner, he would identify the specific programs and accounts that should be reduced with his amendment. Then we could have a valuable debate on the individual merits of the funding proposal. But the gentleman's amendment simply employs the Draconian reduction approach to the discretionary portion of the bill, with little understanding as to its negative impact on vital programs funded by this bill.

I urge my colleagues to defeat the gentleman's amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment is one of the best substitutes for thinking that I have seen on the floor in quite some time. The gentleman has given as one of his reasons for proposing this 1 percent cut the fact that he does not like the fact that there are some agriculture commodity supplementals that have been passed by the Congress. The fact is, those are not in this bill. They do not have diddly to do with this bill. They ought to be in this bill, because, I promise you, before the Congress is finished, it will respond to the problem on the farm with respect to prices.

The Senate has already passed \$1.2 billion in additional assistance to farmers who are being crippled by low prices, thanks to the spectacular failure of the Freedom to Farm Act; and before this bill is finished, the House will have to accept some of what the Senate is talking about with respect to dairy funding, with respect to livestock funding and the rest.

But the fact is, right now the bill the gentleman is trying to cut does not contain those items, and because he does not like the fact that somewhere along the line those items might be funded, he apparently is willing to cut funding for child nutrition, to cut funding for agencies that protect the public against diseased food and items like that.

The gentleman would cut the regulation and safety of drugs and medical devices by FDA, he would cut rural water and sewer and housing and economic development, he would cut vital conservation programs on the farm, he would cut the APHIS program to help control plant and animal pests and diseases.

I just went through several national forests over the past 2 weeks and saw the incredible damage done to those forests by pests. In fact, I saw some spectacular damage in California. I would ask the gentleman whether he

believes that pest control programs in California are really a waste of the taxpayers' money or not. It is destroying the timber harvests, it is destroying agricultural products of all kind, and, whether the gentleman recognizes it or not, forests are an agricultural product. At least they are seen that way by a lot of people who harvest forests for a living.

I would say that if the gentleman is comfortable in cutting USDA's Food Safety and Inspection Service, which is responsible for the inspection of meat and poultry, he may be comfortable doing that. I am not. If the gentleman is comfortable saying that 74,000 fewer low-income pregnant women and children will be served by the WIC program, he may be comfortable with that. I am not.

Mr. Chairman, with that, I think we ought to just let the chips fall where they may. I intend to oppose the amendment, and I would hope that other thoughtful Members of the House would as well.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment, and to just maybe clarify some of the statements made earlier.

The funding that was put in the supplemental was for hurricane damage. These are real emergencies. It has gone on now about a year, and without a vehicle to help the people out there that were so devastated last year.

I just want to remind the House also, the \$15 billion bill that went through, that is spread out. The crop insurance portion of it is spread out over 5 years, and the intention is to have a crop insurance program in place policy-wise and funding-wise that is going to actually help farmers manage risk.

I think we have an extremely good product, and farmers will now have a vehicle where they can insure both price and yield risk, and hopefully the dependency for additional supplementals will be curbed dramatically in the future with that type of program in place. Also for livestock producers, it has a plan in there so that they can also cover both fatality and price risk.

So while I do not disagree with the intention of the gentleman, I think that we need to maintain fiscal sanity around here, but I have also heard over the 3 days of debate on this bill how this bill is currently underfunded to begin with. I think, like the gentleman from Wisconsin said, there are very vital services that are in this bill that would be dramatically harmed and programs that would be dramatically harmed with this type of cut.

I will say in reference to concern about the current farm policy that I do not know how one can say that our current farm bill really is responsible for the Asian financial collapse, where most of our major customers of the world have not been able to buy our

products in the past few years. Fortunately, the economy in those areas is rebounding. Hopefully, the future will be better. I do not know how one can say anything about farm policy being the cause for 3 years of record worldwide production and surpluses. That simply is not the cause of what the price situation is as far as our grains are concerned, certainly.

Also when one looks at what our export policy is with the embargoes that we have on 40 percent of the world's population today, they are totally wrong and also have a great effect as far as the prices we see in agriculture.

So while I will match my record with anyone as far as being fiscally responsible here, I think this is ill conceived, will do a great amount of damage, and I would certainly hope that the House would reject it.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, the point I want to make to the House and the point I would like to make to the gentleman is that the actual economic loss from the weather-related disasters that the gentleman has cited was \$1.5 billion. Congress responded to this by adding \$4.2 billion in emergency disaster relief. This is the impulse that I am trying to check with this amendment, to cut 1 percent, because I think this has been the response; and it has been overly generous in terms of what it has done with the taxpayers' funds.

1715

Mr. LATHAM. Mr. Chairman, reclaiming my time, I agree with the gentleman that the problem was at that time that not all of the losses in the agriculture sector were known. If we talk to the Members from North Carolina, from the South who were dramatically affected, there are additional costs, and I think there was \$210 million in the supplemental to address those issues that were not addressed previously.

Again, I agree with the gentleman that we have to make sure that we keep a handle on spending, but certainly there was a real emergency and there continues to be because a lot of needs were not addressed previously.

So I appreciate the gentleman's comments.

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to stand in opposition to the gentleman from California's amendment. I would agree with the gentleman that ad hoc disaster assistance payments on an annual or even sometimes more than an annual basis is not the way to run a good railroad here. I think the reason we have had to do that is because we have had a failed national agricultural policy called Freedom to Farm.

However, the gentleman's amendment does not deal with that problem; what his amendment does is go after

such programs as Federal food safety programs, the APHIS programs which control the pests and diseases which we have all talked about here in the last month or two, such things as plum pox and citrus canker and glassy wing sharpshooter, and all of those sorts of invasive pests that come from other countries which the APHIS has the responsibility of keeping out of this country.

The regulation of safety and drugs and medical devices by the FDA would be cut by this gentleman's amendment; nutrition programs for children and the elderly; housing, water and sewer, and economic development programs available in rural and small town America; conservation programs of vital importance; those are the programs that the amendment cuts.

So I would implore the gentleman from California, Mr. Chairman. If he would like to work with us on improving the national agricultural policy of this Nation, I would very much like to do that, but I do not believe that this amendment is the right way to go, and I urge its defeat.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from California is rightly concerned about expenditures growing. I have mixed emotions on how to cut Federal spending.

In this case, if I could call on the gentleman from California, I would inquire, does he have an idea of the millions of dollars that this is going to cut from some important programs. The answer is roughly \$145 million. \$145 million that is going to come out of the Food and Drug Administration, that is going to come from food safety programs, that is going to come out of reductions to the farm service agencies that already are having difficulty serving farmers like they should. All the regulations that we have developed in this country are now overwhelming those county offices. So I am particularly concerned about the ability of farmers to receive help in keeping up with all of the rules and the regulations. This amendment would cut other farmer assistance programs.

Mr. Chairman, we are faced with a serious situation where other countries of the world are helping and subsidizing their farmers 5 times as much as we are; for example, in Europe. So how, when they subsidize their farmers to that level, can we cut spending, even by the one percent suggested.

We are going to have to make a decision. Do we want to keep agricultural production and the agriculture industry in this country alive and well, or are we going to let that industry fade. I say that we better think very carefully, not just this Congress, but the American people better think very carefully about whether we want to produce our own food and fiber in this country; whether we want to know that it is produced in a safe way;

whether we want the freshness and reliable supply.

In this case, I speak very strongly against the amendment. We do need to increase the efficiency of U.S. Department of Agriculture operations, however it is a disservice to farmers to take \$145 million out of the discretionary spending of the agriculture budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

AMENDMENT NO. 36 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 36 offered by Mr. CROWLEY:

Insert before the short title the following title:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to enforce or otherwise carry out section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) reserves a point of order.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, earlier this year, working with the House Committee on Government Reform's minority office and the gentleman from California (Mr. WAXMAN), the gentlewoman from New York (Mrs. LOWEY) and myself conducted a study of the cost that seniors in our congressional districts pay for their prescription drugs versus the cost paid by their counterparts in Canada and Mexico for the exact same drugs. Both the gentlewoman from New York (Mrs. LOWEY) and I were startled by the results, to say the least.

We found that seniors in our districts in New York pay, on average, 91 percent more than seniors in Canada and 89 percent more than seniors in Mexico for the exact same drugs; twice as much for the exact same drugs, same dosage, same in every way, expect price. We did not study arcane drugs not used in the real world to skew our data, but rather the 5 most popular prescription drugs sold to seniors in the U.S. today: Zocor, Prilosec, Procardia, Zolof, and Norvasc.

Let me put it in perspective. I have a constituent in Long Island City, New

York who has to purchase 100 capsules of Prilosec every 3 months for his wife. He pays almost \$400 for these drugs. I have a letter from the gentleman who writes, "Isn't it an outrage for us to pay this price for medication my wife will have to take on a regular basis?"

Well, my answer to that gentleman is yes, it is an outrage, especially in light of the fact that this same drug that costs \$400 in Queens, New York would have cost him \$107 in Mexico and \$184 in Canada.

Similar results were borne out by a number of other studies conducted throughout the United States, studies which mirrored the results that the gentlewoman from New York (Mrs. LOWEY) and I saw in our respective districts. But if my constituent or any American went to Mexico or Canada to buy this drug and tried to bring them back over the border into the United States, he or she would be committing a Federal crime and could theoretically be punished for that crime.

The only thing criminal I see are these extremely high prices that they are forced to pay for drugs in the United States. Mr. Chairman, \$400 for Prilosec, a drug that was researched, patented and manufactured here in the United States. It begs the question, Mr. Chairman: why is Prilosec cheaper in Canada and Mexico than here in the United States where it was made and developed in the first place? It is because in the United States the major drug manufacturers practice price discrimination whereby they charge those least able to pay, such as seniors on a fixed income, more for their medications than they charge others such as HMOs and large hospitals, that enjoy sweetheart deals with the drug manufacturers.

Price discrimination is illegal in Canada and in Mexico. That is why I am offering this amendment today, to highlight the practice of price discrimination by the pharmaceutical industry that is being used against millions of American seniors who need prescription drug medication. More simply put, Mr. Chairman, Americans are being gouged by the American pharmaceutical industry.

I go about trying to stop this practice of price discrimination by prohibiting funding to enforce Section 801(d)(1) of the Federal Food, Drug and Cosmetic Act. Currently, this section of Federal law restricts the rights of an individual to cross across international borders to purchase one's prescription drugs. This amendment will not only allow border residents to travel, but also force this Congress to confront and stop the practice of price discrimination in the pharmaceutical industry.

Mr. Chairman, I hear from my constituents all the time about the high cost paid by them for medications. That further reinforces my determination for this Congress to pass legislation mandating the inclusion of a prescription drug benefit under the Medicare program. Unfortunately, the seniors of America did not get that before



the recess, despite all of the rhetoric from the other side of the aisle.

So I offer this amendment as a first step towards the assistance of America's seniors. Prescription drug medications are not a luxury, they are a necessity. Sometimes we forget that here as we enjoy our generous taxpayer-subsidized, top-of-the-line health insurance.

Let me make clear what my amendment will and will not do so as not to confuse the debate. It will decriminalize seniors who must travel south of the border to purchase their prescription drugs. It will highlight the fact that seniors in America are the continued victims of price discrimination which this GOP-controlled Congress continues to ignore. It will continue to prohibit the importation in the United States of non FDA-approved drugs that could be dangerous.

This amendment does not weaken inspection standards for the importation of foreign-made drugs into the U.S. At no time does this amendment change the existing Federal regulations regarding the importation of foreign manufactured drugs into the U.S. This amendment will not weaken the ability of our government to inspect and seize illegal narcotics being brought into the United States.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman's reservation of a point of order is withdrawn.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Although it is well-intentioned, this amendment will go far beyond its stated purpose. The amendment would eliminate the ability of the Food and Drug Administration to trace a drug back to the original manufacturer. It is in opposition to the intention of Congress as expressed in the Prescription Drug Marketing Act of 1987 and, most significantly, this amendment may harm the very people the gentleman intends to help.

The amendment assumes that all drugs with the same name are, in fact, the same. Let me assure my colleagues that this is not the case when dealing with imported drugs. There are many ways in which a drug may differ from one that one would pick up at one's pharmacy. Drugs that look legitimate may be counterfeit, sub-potent or contaminated. There is a great profit, and great potential harm, in counterfeit drugs. This amendment would severely hamper the efforts of the Food and Drug Administration inspectors to stop counterfeit drugs.

The amendment further assumes that drug regulation in other countries brings the same measure of safety that drug regulation in the United States brings. This is a false assumption.

There is a reason that U.S. drug approval is considered the "gold standard." The FDA scientists inspect all manufacturing facilities and set standards for storage and handling of the drug. There is great variability in the quality controls on manufacturing throughout the world. It seems absurd that without any FDA inspection, consumers would take complex drugs made in countries in which they would not drink the water.

The amendment takes a shotgun approach to a very specific economic problem. It is not a solution that gives priority to people's health. In fact, it puts their health at risk. Is it fair for certain members of society, because of economic concerns, to have a lesser assurance of drug safety? Taking risks with drugs is not the way to solve an economic problem.

I would encourage my colleagues to address those concerns in other prescription drug discussions, and not in this bill.

1730

When we take medication and are confident in its safe and effective use, we have the regulatory system that we have created to thank. I urge Members to keep the system strong and fair for all Americans by voting no on this amendment.

Mr. COBURN. I move to strike the last word, Mr. Chairman.

Mr. Chairman, I rise in strong support for this amendment. I believe the gentleman from New York has hit on an issue that we talked about during the prescription drug debate.

I want to carry it a little further. The drug that he utilized, one of those, is Prilosec. There are three drugs on the market to compete with that in the United States. They all do essentially the same thing. Prilosec is about to go off patent. It is a \$5.9 billion per year drug, per year.

Of the two drugs that have come to market to compete with it, they are priced exactly the same. To me, that smells like no competition, it smells like a wink and a nod. Why, in a market that is a \$6 billion market, would there not be any price competition for a drug that does essentially the same thing?

I believe there may be some legitimate concerns about minimal packaging or safety, but the thing we need to remember is that this amendment is directed towards drugs made in this country, shipped to Canada and then come back, or into Mexico and then come back. So these are drugs that have already been licensed, they have been manufactured in an FDA facility, and in fact they should be, under NAFTA, readily coming across our border without any inhibition whatever if there is a bona fide prescription for that drug in this country.

We have a crisis in prescription drugs, but it is not a crisis in Medicare, it is a crisis in price. The reason we have the crisis in price is there is not

adequate competition in the pharmaceutical industry.

I would direct the Members of this body to go to the FTC's website where they have identified four manufacturers over the last year raising the cost for prescription drugs close to \$1 billion on four separate drugs because they colluded with people to not bring other drugs to market. They were actually paying their competitors not to bring drugs to market.

So I believe the gentleman from New York has a wonderful idea. I believe it is an appropriate idea. I think the safety concerns are a red herring. There are not the safety concerns because they are actually manufactured in this country. The FDA will not have any limitations on it.

As far as traceability, we are going to be able to trace these drugs like any other drug. They are not going to be allowed to be sold in Canada with a prescription unless we can trace it and keep a record, just as in this country. There will be completely the same types of regulations in terms of pharmaceuticals.

As a practicing physician that sees that people cannot afford their medicines today, we have to do something. The first thing we need to do is to start competition. If the Justice Department is not going to investigate the pharmaceutical industry, we should be doing this and passing this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will certainly support this amendment, but I must say that I will be amused to see those persons in this Chamber who will today vote for this amendment who just a short time ago voted to prevent us from being able to directly attack the problem of pricing for prescription drugs.

The fact is if this amendment passes what we will be saying is that, for instance, American senior citizens will not have to worry about whether they are being penalized when they go to Canada to buy drugs that are cheaper than they would be if they bought the very same brand name product in the United States.

To me, if this House wants to do something really significant, it would pass the Allen bill, which would simply require that in addition to providing a prescription drug benefit for all seniors under Medicare, that it would also guarantee that Medicare would be able to assure that drug prices charged to Medicare and to senior citizens under Medicare would have to be at the same lower price that drug companies make available their products to their most favored volume customers. That is what we really ought to do.

This amendment goes as far as it can go, but I would say that I do not think seniors should be fooled that they have gotten much help from folks who vote for this amendment who last week voted against our being able to expand Medicare coverage for every single

American, and, for that matter, to attack the price issue at the same time.

Senior citizens should not have to leave America in order to be treated like Americans. They ought to be able to get the right treatment here at home, and they would if this Congress had guts enough to take on the pharmaceutical industry. It does not, so I guess this is the best we are able to do under the circumstances.

That is not the fault of the gentleman who offers the amendment, but it is the fault of every other Member of this House who chose last week to make a decision that prevented us from providing real direct help to seniors on the issue of prescription drug price. I do not think that many seniors are going to be fooled by people who will cast that vote last week and then run to embrace this amendment this week. I think they will recognize tokenism when they see it.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, as well. It is really critical that we do something about the discrepancy in prices of prescription drugs in Mexico, Canada, and even in Europe as far as the prices that our senior citizens in rural Missouri are getting. We do not live close to any of the borders, just like the gentleman from New York (Mr. CROWLEY) said.

However, I have got more constituents than I can mention, and one comes to mind whose son has a very severe case of epilepsy. The only way she can afford the epilepsy medicine is to go to Canada to get it. It is a big problem because she is always scared of being punished by this government for having to do that, but she wants her son to be well, and she otherwise could not afford the drugs. So this is very important.

This is very similar to the legislation that the gentleman from Arkansas (Mr. BERRY), the gentleman from Vermont (Mr. SANDERS) and I introduced, the International Prescription Drug Parity Act, which would allow wholesalers, distributors, and pharmacists to reimport drugs back into the United States, subject to FDA safety regulations. It is very important because we must deal with the issue of price before we deal with the issue of prescription drug coverage. I think most people would agree with that.

I do, however, want to ask the gentleman from New York (Mr. CROWLEY) a couple of things, particularly with regard to the safety factor, because I cannot tell from the way his amendment is written if it is as tough with regard to safety as our legislation is.

Would the gentleman tell me about how the FDA would oversee or regulate the drugs that are reimported back into the United States, if he would?

Mr. CROWLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman for yielding. This will not weaken the inspection standards for the importation of foreign-made drugs into the United States.

I understand the Committee on Commerce held hearings last month in June to address the concerns that the FDA had only inspected 25 percent of foreign drug manufacturers who brought medications by import into the United States.

My amendment will not weaken the FDA here at all, or even hamper their inspection services with regard to the foreign-made drugs being imported into the U.S. My amendment deals only with the reimportation, reimportation of American-made FDA-approved drugs back into the United States.

In fact, by taking the FDA out of the business of harassing seniors, the FDA might be able to free up additional resources to make sure what is being firsthand imported into America from abroad is safe for human consumption.

Additionally, by striking funding from the statute, we will not be opening up the borders for a free flow of non-FDA imported drugs to be brought into the United States. Section 21 of the U.S. Code states that it is illegal to bring non-FDA-approved drugs into the U.S.

My amendment does not change that law in any way. In fact, I understand why Section 801(d)1 was added to the law. Unfortunately, as of late, its interpretation has not been used to protect American consumers, but rather, large drug manufacturers, instead.

Mrs. EMERSON. I commend the gentleman and appreciate very much his explanation of the whole issue of safety, because we have got to get a handle on this issue once and for all, and I cannot bear to tell my constituents one more time that if they go to Canada or if they go to Mexico, they can get this drug for one-third to two-thirds less than they would pay here.

It is not fair for those people, and it is not fair that our American consumers are subsidizing the rest of the world. I thank the gentleman and I urge, again, strong support for this amendment.

Mr. GUTKNECHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. Last week the House did take some action late one night, I think Thursday night or 1½ weeks ago, that will begin to open this door. But this issue needs to be talked about a lot by this Congress.

I have a chart here which sort of demonstrates the problem. Many of us in the last week have had town hall meetings back in our districts or have met with senior citizens. We had one in my district, and I learned or relearned what we have been hearing before.

That is one example of one of my constituents who was traveling in Eu-

rope. Her traveling partner needed to get a prescription refilled. The prescription here in the United States is \$120. The price of having that prescription filled in Europe for the same drug made in the same plant by the same company under the same FDA approval was \$32.

This person has to take that drug, has to have it refilled every month, so the savings of about \$90 a month times 12 works out to about \$1,000 a year. The differences between what Americans pay and what the rest of the world pays for the same drugs is just outrageous.

Let us take a drug like Coumadin. My 82-year-old father takes Coumadin. It is a blood thinner, a very commonly prescribed drug. Here in the United States, the average price is about \$30.25 for a 30-day supply. That same drug made in the same plant by the same company under the same FDA approval in Europe sells for only \$2.85.

Mr. Speaker, we have a serious problem right now. Part of the problem is that Americans are paying a disproportionate share of the cost for research and ultimately I think a disproportionate share of the profits for the large pharmaceutical companies.

It would be easy for us as a Congress to sit here and blame the pharmaceutical companies and say, shame on them. But the truth of the matter is that it is shame on us. It is shame on us for allowing this to continue. It is shame on our own FDA because, in view of these huge differentials, we would think that the FDA would be doing something to help senior citizens and other American consumers.

The fact of the matter is that our own FDA is making matters worse. These are excerpts from an actual letter sent to a senior citizen, a very threatening letter that in effect says if they continue to do this, we believe they may be in violation of Federal law and we may have to come after them.

If someone is an 82-year-old senior citizen taking Coumadin or Synthroid or some of these other commonly-prescribed drugs and trying to save some money by getting them either through Mexico, Canada, or Europe, the last thing our Federal Government ought to do is threaten us, especially when those drugs are absolutely legal, they are FDA-approved, and the problem is the FDA has put the burden of proof on the consumer.

Finally, I support this legislation or this amendment here today, as well, because in many respects our Justice Department has failed, as well. It has failed in its oversight responsibilities to make certain that there is adequate competition and that there is not collusion between the large pharmaceutical companies.

It is not just shame on the pharmaceutical companies, it is shame on us, it is shame on the FDA, it is shame on the Justice Department. It is time that this Congress sends a very clear message that the game is over. We are not going to continue to subsidize the

starving Swiss, we are not going to continue to subsidize the rest of the world in terms of prescription drugs, especially when our own seniors have to make very difficult decisions every day in terms of whether or not they are going to get the prescriptions that they need or the food they should have.

That is simply wrong, and we should not allow it to continue. I hope we can pass this amendment tonight to send one more clear message to the folks at FDA, the folks at Justice, and the people around the world that the game is over.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, I rise in strong support of the Crowley amendment.

1745

Mr. Chairman, I deeply support the Crowley amendment, and I am glad to see that many of our colleagues on the other side of the aisle also believe that we need to overturn the current FDA prohibition on U.S. citizens traveling to other countries to purchase prescription drugs manufactured in our country solely for individual use.

This important amendment is to decriminalize seniors who travel to Canada and Mexico for cheaper prescription drugs. I might also add that I strongly support the bill put forward by the gentleman from Maine (Mr. ALLEN) which would make seniors the same preferred customers as HMOs and also the President's plan to expand Medicare to cover prescription drugs.

These are all important measures, but this is an important amendment that addresses the issue of price discrimination being practiced by the drug manufacturers today.

In my home State of New York, breast cancer medications can cost over \$100 per prescription while they are available in Canada and Mexico to their residents for a tenth of that price. Many women in our home State and, indeed, across the country are forced to dilute their prescriptions that fight breast cancer, to cut their pills in half because they cannot afford their prescription drugs in order to get by financially. And many in my home State get on the bus every weekend to go to Canada to purchase American manufactured drugs because it is cheaper than in their own country.

Mr. Chairman, this is just plain wrong. No doctor recommends it. No person deserves this type of treatment. They should be charged, at the very least, the same that the foreign governments are charging their citizens.

Recently, I conducted a study on price discrimination on consumers in the district that I represent which is Manhattan, East and West side, and Astoria, Queens, and compared the prices that were paid by consumers in

other Nations, Mexico and Canada. I must add I was assisted in this by the gentleman from California (Mr. WAXMAN) and the staff of the Committee on Government Reform, and what we found was absolutely shocking.

We asked them to look at a total of eight drugs and compared the average costs in my district with the average costs paid by consumers in Mexico and Canada, and the drugs included in the study were some of the most widely prescribed drugs today. To take one example, the breast cancer drug Tamoxifen. Tamoxifen is sold under the brand name of Nolvadex, and it is the most frequently prescribed breast cancer drug in this Nation.

It is used by thousands of women across my State, across this Nation, across the country to treat early and advanced breast cancer. In fact, in 1998, the total sales of Tamoxifen were over \$520 million. Yet women in this country who need Tamoxifen must pay 10 times what seniors in Canada pay.

Our studies showed that a 1-month supply of Tamoxifen costs only \$9 in Canada, yet it costs over \$109 in my district. This means that over the course of a year, women in my district will pay roughly 1,200 more than a woman in Canada. That is a price differential of over 10,000 percent.

This is a very important lifesaving drug that thousands of women need to survive. It is simply outrageous that drug companies are taking advantage of men and women suffering from this horrible disease.

But Tamoxifen is not the only drug that costs more in New York than in Canada and probably every other State in our country. In fact, all eight of the drugs which we studied costs at least 40 percent more in my district than they do abroad. The average price differential with Canada was 112 percent; with Mexico, it was 108 percent.

Prilosec, which is the top selling drug in the Nation, it is used for heartburn and ulcers, in the last 10 years, according to the manufacturer, more than 120 million prescriptions have been written for this drug, yet seniors and other consumers in my district they have to pay over \$800 more each year for Prilosec than the consumers in Canada. Over \$1,000 dollars more than seniors in Mexico.

Zocor, which is one of the most common cholesterol-reducing drugs in this country with over 15 million prescriptions in 1998, costs almost three times as much in my district as it does in Canada, and that is a difference of over \$70 per month.

I would urge all of my colleagues on both sides of the aisle to support the Crowley amendment, it is long overdue, and also the Allen amendment, the President's plan and others to bring drug fairness into this country.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The Chair will divide the time evenly between the proponent of the amendment and the opponent of the amendment. The gentleman from New York (Mr. CROWLEY) and the gentleman from New Mexico (Mr. SKEEN) each will control 10 minutes.

Mr. CROWLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I want to thank the gentleman from New York (Mr. CROWLEY) for his leadership on this important issue. We have an incredible situation, where those who are least able to pay for the important prescription medications that they require, our uninsured seniors and uninsured families, in fact, of all ages across the country, are asked to pay the highest prices for their prescription medications of any place in the entire world.

This burden has been imposed on those least able to pay and the gentleman from New York (Mr. CROWLEY) has come forward with a constructive proposal that will at least benefit those, who are near the Canadian and Mexican borders, since Canada does not impose price discrimination.

I think it is, however, very important to recognize that while Canada does not encourage price discrimination, this House has encouraged price discrimination. I have on two separate occasions with my colleague, the gentleman from Florida (Mrs. THURMAN) advanced before the Committee on Ways and Means proposals that would permit seniors, not just to get on a bus to Canada or Mexico, but would allow them in their own neighborhood pharmacy to get prescription medications, as the gentleman from Maine (Mr. ALLEN) has proposed, at the price that the pharmaceutical companies make those available to their most favored customers.

Unfortunately, every single Republican on the Committee on Ways and Means has joined with the pharmaceutical industry in saying no, in saying that it is right to continue charging our seniors, who are uninsured, more than anyone else in the world. So I applaud the effort of the gentleman from New York (Mr. CROWLEY), but by blocking our proposal in committee, by blocking the gentleman from Maine (Mr. ALLEN) when he offered the proposal last week, as Republicans presented not a Medicare prescription drug plan, but a political ploy here on the eve of the election, seniors have been denied the relief that they so desperately need. And this House has been denied the opportunity to extend to all Americans what the gentleman from New York (Mr. CROWLEY) would tonight extend at least to those near the Canadian and Mexican borders to gain access to bring more reasonably priced medications.

Last week, I joined with some seniors in central Texas to explore this issue of at all places, the Austin Humane Society. I learned through a study that we conducted that in this country if you have four legs and a tail and need a particular prescription drug, if you can say meow or woof or arf, you get a much better deal on prescriptions than if you are simply a senior, who is in serious need of medication.

I know that the gentleman from Maine (Mr. ALLEN) and others have made similar findings in other parts of the country. We demonstrated that on one very important arthritis drug, Lodine, for example, that the manufacturer is charging 188 percent more to those who would use the exact same quality and quantity for animals, for a dog, a cat or a horse or a cow, than it does for a senior, who lacks insurance.

I think that such price discrimination is wrong, the kind of discrimination that says it is okay for the same quality and quantity and type of drugs for manufacturers price to charge the wholesaler 188 percent more than for an individual, a senior, who is in need of that drug. That is the kind of price discrimination that groups masquerading under names like Citizens for Better Medicare, which really is a front for the pharmaceutical industry, are imposing on us.

Tonight the gentleman from New York (Mr. CROWLEY) proposes that we do just a little bit about it, and I encourage the House to adopt his approach, but hope that eventually we can move on to a broader proposal like that advanced by the gentleman from Maine (Mr. ALLEN).

Mr. SKEEN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I certainly understand the concerns of my colleague from New York (Mr. CROWLEY), and I do not feel that a restriction on a regulatory agency is the way to achieve prescription drug price reform.

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

Mr. CROWLEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for yielding me the time.

Mr. Chairman, I wanted to speak in favor of the amendment, and I do so with the greatest respect, of course, to the committee upon which I serve. But if we look at the seniors who are having to go across the border to get prescription drugs and other people who need it, they are not doing this because it is convenient, they are not doing it because they want to, they are not doing it because they want to support a Canadian pharmacy. They are doing it because they have to economically.

My dad is from Buffalo, New York, and I went to school in Michigan, and I know on those border States there is a lot of economic overlap and social overlap and everything else, and so for

them to go to Canada to get cheaper drugs is not that unusual. But then imagine being 82 years old and getting a letter like this that says, however, future shipments of these or similar drugs may be refused admissions; that is very disturbing if we have to take something for high cholesterol or something for a heart condition. What am I doing?

These people are World War II veterans. They do not want to go around breaking the law, and that is what the implication is from FDA once they get it.

Mr. Chairman, look at these price differences. I think we cannot expect people who can save as much as 50 percent on a drug not to take advantage of it and to go overseas. But the second question about this is why are the drugs so less expensive in Canada than they are here, and I think that is where it becomes a universal quest for States that are not on the border. I mean, we need to know how come we can get Prozac for \$18.50 and over here, it is \$36. For Claritin, \$44 versus \$8.75. Prilosec, \$109 versus \$39.25.

We owe it to our constituents. Even if they are in Iowa, in the middle of the country geographically, if we are in a central State, domestically, in the United States of America, we would still need to know and we need to be able to tell our constituents why these drug prices are so different.

That is why I am supporting this amendment. I think, number one, we have to give people on the border States an opportunity; number two, we have to explore what are these differences, and this will help promote that debate.

Mr. CROWLEY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, the amendment that is before us this afternoon brings in the sharp relief the anomaly that exists with respect to the cost of prescription drugs in North America. It simply is unconscionable that if we travel to Mexico or to Canada we can buy prescription drugs for dramatically less than we can here within the United States.

It is unacceptable that seniors, who are the most vulnerable, who have the least in terms of resources to pay for these prescription drugs are the ones that are victimized to the greatest extent by this situation.

It is also an irony that is not lost on the seniors in this country that their pets can access these same prescription drugs for dramatically less than they can.

1800

Mr. Chairman, I would like to associate myself with the comments of my colleagues from both sides of the aisle that have spoken in favor of the Crowley amendment, and I urge that all of our colleagues join in supporting this amendment to the appropriations bill.

Mr. CROWLEY. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from New York (Mr. CROWLEY) has 3 minutes remaining.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the sponsor of this amendment, let me say that I am somewhat surprised at the support that this amendment has received from the other side of the aisle. I am astounded, quite frankly. I appreciate the support of many of the individuals who have spoken to me, some of whom are friends of mine from the other side of the aisle. I appreciate their comments on the floor. In no way do I believe that they are not being sincere at this point in time.

But just under 2 weeks ago, we stood here on this floor; and we passed a bill that I call to the floor a sham; and I continue to call that bill a sham.

The amendment that my colleagues have before them today is really of very little consequence, and I am the sponsor of this amendment. It basically takes away the authority of the FDA to prosecute any individual who re-imports drugs that were made in this country. But it really is an attempt to shine a light on price discrimination in the United States.

But what this amendment does show, Mr. Chairman, in my opinion, is the hypocrisy of this House at times. In 1 week we can pass a sham of a bill, and a week and a half later, come back and pass an amendment that in and of itself will not go far enough to help most of the seniors in this country who are not insured, seniors who struggle on a weekly basis to pay rent, to pay their bills.

My constituent from Jackson Heights, Ann Greenbaum, pays \$300 for a particular drug that her son needs, the exact same drug, and pays \$15 under his plan. I will not say how old Mrs. Greenbaum is. She is considerably older than her son. These are the individuals we are trying to help.

My amendment, Mr. Chairman, will not help directly Ms. Greenbaum. What it does do, though, is highlight the hypocrisy of this House, how we can pass a bill that will not help the Mrs. Greenbaums of the world, will help some individuals, but certainly will not help enough.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. EMERSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from New York (Mr. CROWLEY) will be postponed.

AMENDMENT NO. 52 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 52 offered by Mr. ROYCE:  
Strike section 741.

Mr. SKEEN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) reserves a point of order.

Mr. ROYCE. Mr. Chairman, the rationale behind this amendment is simple. Hard-working taxpayers should not have to subsidize the advertising costs of America's private corporations. In my view, that is what the Market Access Program does.

Since 1986, the Federal Government has extracted \$2 billion from the tax-paying public and has spent it for advertising on the part of larger corporations and cooperatives in subsidies to basically underwrite their marketing programs in foreign countries.

I think the American people would agree that their money could be better spent on deficit reduction or education or the environment or tax cuts rather than these advertising budgets.

Originally, this bill contained a provision quietly inserted that would have allowed American tax dollars to be spent promoting the sale of luxury mink products in foreign countries. However, once we discovered their plan to expand eligibility in the MAP program, proponents reversed the course and agreed to strike the provision in the bill.

But an important question remains, if it is wrong to spend hard-earned American tax dollars on the promotion of mink products, why is it acceptable to spend those same tax dollars overseas to promote other products?

Last April, the GAO released an independent report, a report that was requested by the gentleman from Ohio (Mr. CHABOT) and myself and Senator SCHUMER. That report questioned the economic benefits of the foreign agricultural service study, which had advanced the arguments to begin with in the favor of this bill.

Mr. LATHAM. Mr. Chairman, will the gentleman from California yield for a parliamentary inquiry?

Mr. ROYCE. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, what amendment are we debating?

Mr. ROYCE. Amendment number 52 to eliminate the Market Access Program.

The CHAIRMAN. The gentleman from California is correct.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I would just like to share that in the report the GAO determined that the Foreign Agricultural Service overstated the program's economic input, used a faulty methodology, which is inconsistent with Office of Management and Budget cost benefit guidelines.

The GAO also determined that the evidence contained within the relevant

studies which estimate MAP's impact on specific markets is inconclusive. In fact, for every targeted market in which MAP funds demonstrated a positive effect, the studies found other target markets in which there was no discernible effect at all.

So various studies commissioned by Congress, commissioned by the Trade Promotion Coordinating Committee have determined the economic benefits of the MAP program to be overstated, to be inconclusive, and to be speculative.

But even if one does believe the flawed studies used by the proponents, one has all the more reasons to support the amendment. Because if MAP works, then corporations and trade associations ought to be spending their own money on their advertising budgets. The taxpayers should not be spending it.

Finally, MAP proponents have argued that due to recent reforms, big corporations no longer receive MAP funds. It is true that, in order to correct some of the more egregious abuses of the Market Access Program of which we pointed out in the past, reforms were enacted that limit companies to 5 years of assistance in a particular country. After this time, companies were to be graduated from that country's market.

While in fact some of the corporations were graduated in 1998, the graduation requirements were waived for cooperatives. What was the result of that waiver? The result was that large corporations received the subsidies.

We simply do not need this wasteful program. Let us be honest. Most American businesses do not benefit and do not try to take advantage of government handouts like MAP. In the case of MAP, as in most corporate welfare programs, beneficiaries consist primarily of politically well-connected corporations and trade associations.

Most, if not all of these organizations, would advertise their products overseas even without MAP funds, and they probably would work much harder to ensure that the money is well spent.

Mr. Chairman, Congress should end the practice of wasting tax dollars on special interest spending programs that unfairly take money from hard-working families to help profitable private companies increase their bottom line.

MAP is a massive corporate welfare program in my opinion, and we should eliminate it. I urge the support of the amendment.

#### POINT OF ORDER

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair finds that the amendment offered by the gentleman from California (Mr. ROYCE) proposes to strike from the bill a section already stricken on a point of order and, therefore, the amendment is not in order.

#### PARLIAMENTARY INQUIRY

Mr. ROYCE. Mr. Chairman, my question to the parliamentarian was whether offering amendment No. 51 or No. 52 would be in order. I believe he said 52. If I understand correctly, then the answer would have been No. 51.

It is amendment No. 51 that could be offered.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) has the apologies of the Chair. In fact, the gentleman would be correct in offering amendment No. 51.

Mr. ROYCE. Mr. Chairman, that being the case, that concludes my opening arguments on amendment No. 51.

AMENDMENT NO. 51 OFFERED BY MR. ROYCE

The CHAIRMAN. The Chair will entertain the offer of the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate amendment No. 51.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. ROYCE:  
Page 96, after line 4, insert the following:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act may be used to award any new allocations under the market access program or to pay the salaries of personnel to award such allocations.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is a near-annual amendment, so I will not speak at length.

For many small companies in the United States, this program is the only way they have of promoting their products in markets overseas. Small companies cannot afford sophisticated marketing campaigns or presence overseas. The Market Access Program helps them reach those markets, increase their sales, increase employment, and, ultimately, benefit the farmers and ranchers that produce the raw materials.

I would also add, Mr. Chairman, that our competitors in Europe are spending far more than the authorized \$90 million a year that the Market Access Program provides.

Mr. Chairman, I oppose this amendment and urge my colleagues to vote "no."

Mr. BOYD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the gentleman's amendment also. I think, as the distinguished gentleman from New Mexico (Chairman SKEEN) has said, the Market Access Program is a program that comes under attack every year in this appropriations process. But yet the Market Access Program is designed to help small and independents producers, small businesses get into foreign markets.

This Congress basically has said to our agricultural producers that the savior for your future is foreign markets. But, yet, we are unwilling, we

make an attempt on an annual basis to eliminate a program which helps small businesses and agricultural producers get into those markets.

Mr. Chairman, I know the gentleman from California (Mr. ROYCE) quoted some report. I would like to read from a report that was done by Deloitte and Touche, who was hired by the National Association of State Departments of Agriculture to evaluate MAP. I quote, "MAP is a significant source of support for new companies and new products entering foreign markets. MAP support is also beneficial to small firms as they begin to export. Our cases suggest that, without MAP support, many small firms would not be capable of carrying out standard marketing programs in key foreign markets."

Mr. Chairman, I encourage the Members to defeat the amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. The MAP program is something that works. It not only enables our products to be sold overseas and to be promoted over there, but we have to keep in mind that any dollar spent in the MAP program are matched by the commodity groups themselves. So if one is a pork producer, one puts one's dollars in the program. If one is a corn or soybean producer or beef producer or rice, whatever product it is, one has to match those funds.

It is extraordinarily important that we maintain the market access and to promote our products overseas and to show the world the quality products that we have in America and to find markets for our products overseas.

The MAP program in years past had some problems with it. It has been reformed. It is not putting any particular hamburger brand or something promoting those type of products overseas. These are commodities that are being promoted overseas. It is extraordinarily important that we maintain this program.

I would just like to say also, the gentleman on an earlier amendment talked about the assistance that is needed for agriculture and the payments and the emergencies and all of that. Well, this will go farther to help us avoid those types of problems in the future than probably any other program. At a time when especially in the Southeast Asian market where they are recovering, we need to be there promoting American agricultural products so that we can regain the share of market that was lost before when they went through their financial crisis.

So just in closing, Mr. Chairman, I would strongly urge Members to defeat this amendment. It is very important for American agriculture to maintain this very small assistance for our farmers.

1815

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Royce amendment. The Market Access Program, or MAP, is a valuable program and it serves our Nation's agricultural growers and our producers well. MAP has been a tremendous asset in opening overseas markets and keeping U.S. agricultural exports competitive in the world market. They do not play on an even playing field without the help of MAP.

As many of my colleagues know, I am privileged to represent Sonoma and Marin Counties, one of our Nation's premier wine-making regions of the country; and the wine industry is vital to my area. But it is not just vital to the people I work for in my congressional district, it is also vital to the entire State of California. In fact, California produces more than 90 percent of the United States' wine exports.

While our wine speaks for itself, we still need help crossing the borders. The same is true with fruits and almonds and the many other products where the U.S. excels. We also face uneven trade barriers around the globe with these products, and we need assistance from USDA. This assistance is very important.

This is why I am a steadfast enthusiastic supporter of this program. I regret that the program has been a perennial target for budgetary cuts, but I am very pleased that Congress each time, time and again, has understood the worthiness of this program and has, in their wisdom, continued to fund the MAP program.

I urge my colleagues to continue its support for the Market Access Program and to vote against the Royce amendment.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the requisite number of words in opposition to the amendment.

Mr. Chairman, we face challenges in this country if we are to maintain a strong agricultural industry. The challenge right now is that other countries are doing better than we are helping their farmers. As much as this country works to operate this particular program of marketing help to get the word out of the quality of our products and the price of our products, our appropriations are flat and we are losing ground with other countries.

For example, I would call to the attention for the gentleman from California that the European Union spends \$92 million more than we do. Twice as much! The Cairns Group, countries of Australia, Canada, New Zealand, Brazil and others spend \$306 million more than we do. So imagine, not only are countries such as the E.U. spending more than the United States in their so-called MAP program, in their effort to enhance marketing and promote their farmers' products, they are subsidizing their farmers up to five times as much as we do.

So on the one hand they are subsidizing their farmers to reduce the price they must charge for their ex-

ports and additionally they spend more on promotion—Huge competition for our American farmers, and in effect right now with the disastrous situation for farmers and ranchers in this country, it will put many of our farmers out of business. Again, not only are those countries subsidizing heavily to reduce their costs, but also they are spending much more than we are, double what we are, for example in Europe, to market their particular products at this lower subsidized price.

We have to make a decision in this country whether we are going to keep a strong ag industry in the United States. I think we should! This amendment should be defeated.

The export decline of the past several years has been harsh for America's farmers and ranchers, as well as for policy makers trying to address their concerns. While our export programs will never be a substitute for strong global markets and good agricultural policy we must ensure that the programs we administer are effective and efficient.

Mr. WEINER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not claim to be from an agriculture rich district. In Brooklyn and Queens we do not grow all that much, or at least all that much that is addressed here in this bill, but I can tell my colleagues that I have been someone who has supported agriculture bills in this House because I recognize that there is a confluence of interest that exists. But just the same way frequently those of us who advocate for urban programs are called to task to defend some things in the bills that we support that often are troublesome, such is the case here for my friends who support agriculture spending.

Just so it is clear to those who are watching this debate, who are not as familiar with agriculture programs, like I am, this is essentially a program that pays for advertising for some of the biggest corporations in the United States. In the life of this program, to give some sense of context to this, McDonald's has received over \$7 million. The Sunkist Corporation received nearly \$7 million. Ernest and Julio Gallo received \$5 million of taxpayer money to help, in essence, advertise their products overseas.

The argument that has been made a couple of times on this floor is, listen, we have to do it because there are those in other countries who are paying to subsidize their products and advertise them as well. Well, we are not in other countries. We do not represent the taxpayers in those countries, and we can argue the efficacy of doing that at another time. But the question we have to ask is, is this the wisest way for us to form coalitions behind agriculture programs and help family farmers that we have heard so much about on the floor this past couple of weeks.

Is the Pillsbury Corporation, the Wrangler Corporation, Burger King,



Campbell Soup, General Mills, Hershey Foods, are these companies that really need our help with their advertising budget?

This is an amendment, and I commend the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. ROYCE) for offering it, this is an amendment that simply says let us have a strong agriculture policy. Let us have an agriculture policy that helps our farmers stay in business, that helps those of us in urban areas to continue to thrive because the agriculture sector is doing as well as possible. Let us try to help people from the bottom up.

This is a classic case of going into the corporate boardrooms and saying here is a bag of money because that is essentially what the MAP program is. If my colleagues think that Tyson Food needs some help, then the MAP program is good; if my colleagues think the Ocean Spray Cranberries Company needs some help, then the MAP program is probably one my colleagues would support.

In order to ensure that we are able to keep these coalitions together that help agriculture bills and help other bills pass, we have to weed out, no pun intended, some of the things that are truly weak in these programs, and this is such a case. I would urge my colleagues to support this reduction in the MAP program.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The Chair will divide the time equally between the gentleman from California (Mr. ROYCE) proponent of the amendment, and an opponent of the amendment, the gentleman from New Mexico (Mr. SKEEN). The gentleman from California will control 5 minutes and the gentleman from New Mexico will control 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I just wanted to clarify something that was just previously said.

McDonald's does not get a dime of money, Tyson Food does not get a dime of money, the Sunkist Corporation does not get a dime of money. That is old news. As I mentioned earlier, this has been reformed.

The only thing we are promoting here are the products themselves. No brand names. No corporate brand names. So that argument is totally bogus. I want every Member to understand that. This promotion goes to promote pork, to promote eggs, to promote beef, soybeans, corn, whatever.

There is no McDonald's, there is no Sunkist, there is no Tyson. And for someone to say that is totally erro-

neous, and I want to just clarify that for the House.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman very much for yielding me this time.

Before anyone votes for this amendment, think what is going on in America. This is the harvest season. This is time we celebrate. People are eating corn on the cob, having back-yard barbecues, watermelons are being eaten. This is the time we are celebrating county fairs all over the United States. We celebrate agriculture, our number one industry.

Our number one industry needs to find markets. We grow more food in the United States than we can consume. If we are going to keep the prices of agriculture low (and frankly I think in many cases they are too low), we need to keep the markets open for growers to be able to sell their crops.

So my colleagues, before voting for this amendment, which is a bad amendment, wake up and smell the coffee. Every time we watch television and we see Juan Valdez telling us to buy Colombian coffee, not to buy a particular brand but to buy Colombian coffee, that is market promotion. We see wine industries in Italy trying to sell us Italian wine. That is market promotion.

American consumers are being sold by market promotion by foreign competitors all the time and we do not realize that we need to do the same for our crops in this global market. So wake up and smell that coffee. Strike down this amendment. It is a bad amendment precisely because it will not allow the small businesses, that this bill emphasizes, to be able to take advantage of this expanded program. Not those large corporations, which was falsely stated, that use to get a lot of the market promotion. That stuff was struck out in 1998.

This market promotion helps keep agriculture viable in the United States. It is absolutely essential that we keep our markets open. And we have a trade surplus. That we keep this all in the black. So let us keep America strong, keep agriculture strong, and strike down this amendment. Thank you.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS).

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to this amendment.

I am very aware of the problems facing the agricultural economy. It is abundantly clear that the prosperity of our economy as a whole does not extend to our farmers and ranchers. Although agricultural producers' problems are as diverse as the crops they grow, there is one point on which they all agree—the need for more export markets. There is no question

that exports are already vital to the health of the agriculture sector. Approximately one-third of all the harvested acreage in the United States is exported, and 62 percent of these exports are of high value products. Is it any wonder then that farmers and ranchers suffer when exports decrease, as they have in recent years, falling from \$60 billion in 1996 to \$49 billion last year?

Fortunately, we have effective tools at our disposal to enhance our nation's agricultural exports. The Market Access Program (MAP) is a program that works—and works well—without distorting world markets through export subsidies. How? By providing matching funds for commodity groups and small businesses to conduct market research, technical assistance, trade servicing, advertising and consumer promotions abroad. The American farmer produces some of the highest quality food products in the world, but we can't assume that every international consumer knows about them. MAP helps fill this education gap and allow our producers to create the new export opportunities so sorely needed by growers and processors.

A prime example of how these programs work to benefit agricultural producers took place in my district earlier this month. The National Potato Promotion Board and the Washington State Potato Commission sponsored a tour and a series of briefings on processed potato products, and dehydrated potatoes in particular, for food industry research and development executives from the Philippines, China, Korea, Japan, and Mexico. These representatives learned about American potato products and how they can be used in consumer products abroad. This tour, partially funded by MAP dollars, will likely result in new opportunities to export value-added agricultural products.

I believe that it is simple common sense to support this kind of successful promotion effort. That is why I introduced legislation to increase funding for MAP and the Foreign Market Development Program (FMDF) earlier this year. This legislation, H.R. 3593, the "Agricultural Market Access and Development Act," authorizes the Secretary of Agriculture to spend up to \$200 million—but not less than the current \$90 million—on MAP. Likewise, the bill requires that a minimum of \$35 million be spent on the promotion of U.S. bulk commodities overseas through FMDF.

These increases are funded using unspent funds for the Export Enhancement Program (EEP), usually around \$500 million per year. EEP promotes U.S. exports through direct subsidies and is therefore subject to Uruguay Round restrictions and slated for reduction.

Right now, foreign countries directly subsidize their agricultural exports and spend far more than the U.S. does each year promoting their products abroad. MAP and FMDF are the only programs that give our farmers and ranchers the chance to compete on a level playing field worldwide.

These are proven and effective programs—and they are good for our producers. It's time to expand MAP and FMDF so that more growers can benefit from export opportunities.

Mr. Chairman, for these reasons I rise in strong opposition to my friend's amendment to cut funding for the Market Access Program. We must work to open up opportunities to our farmers, not hamstring efforts to ensure agriculture success and independence. I urge my

colleagues to vote no on this amendment and support a level playing field for American agriculture in the world market.

Mr. SKEEN. Mr. Chairman, I yield the balance of the time to the gentleman from Minnesota (Mr. MINGE).

The CHAIRMAN. The gentleman from Minnesota (Mr. Minge) is recognized for 2 minutes.

Mr. MINGE. Mr. Chairman, I would like to thank the gentleman for yielding me this time.

I certainly share with my colleague from California who introduced this amendment a level of discomfort with the market promotion program, the way it was structured several years ago. I think all of us in this body did. But the fact of the matter is the program has been adjusted. The most difficult to justify portions of the program have been eliminated, and what we are left with is generally a program that is promoting American agricultural products in foreign markets in a way that benefits farmers as opposed to benefiting corporate America.

I visited some of these offices, particularly in Japan. I have seen the men and the women that work for the Federal Government and work for some of the commodity groups present their material to the public in those countries, and I know that what they are doing is introducing American agricultural products to foreign consumers to build markets for American agricultural products, to open new opportunities for farmers in the United States, and I urge my colleagues to join in supporting this program.

There is no sector of the American economy that is more troubled than farming. We need to make sure that we explore every opportunity for America's farmers, not slam the door shut at this point in our economic history.

Mr. ROYCE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the Market Access Program is the leftover product of two previously failed USDA programs, the Market Promotion Program and the Targeted Export Assistance Program, and MAP funnels tax dollars to corporate trade associations and cooperatives to advertise private products overseas.

Now, let me reiterate my position here. I think advertising is a function of the private sector, not of the taxpayers. While proponents of the program claim that it boosts exports, claims that it creates jobs, there is no evidence to support it. General Accounting Office studies indicate that this program has no discernible effect on U.S. agricultural exports. The private sector knows how to advertise. It does not need government interference. Taxpayer dollars merely replace money that would be spent by private companies on their own advertising.

Provisions in the 1996 farm bill have attempted to reform MAP, but thus far have failed. The GAO audit and other audits find it overstated, inconclusive, and speculative in terms of its effect.

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Although the percentage of large companies that get MAP money have decreased, a number of corporations still receive millions of dollars indirectly through trade associations. The studies show that about three-quarters of the money indirectly benefits these corporations.

Under this year's bill, an attempt also was made to expand MAP. Fortunately, this provision was stricken; and now we go to the question of the program itself. I believe it is now time to end the program.

In the last 10 years, American taxpayers have shelled out \$1 billion for this subsidy. I think the American people would agree that their money could be better spent, and I urge adoption of the amendment.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise to oppose the Royce amendment to eliminate the Market Access Program (MAP).

Several weeks ago, the House passed legislation to grant PNTR to China. One of the best arguments for PNTR is that it will grant U.S. producers access to the Chinese market, much of which has been closed for too many years.

MAP is the program that will help U.S. producers—not large agribusinesses—gain that access. Exporting is a challenge, even for the most experienced. Many individual producers and small companies find it difficult to break into it and to be competitive internationally. MAP helps our producers, primarily through grants to state departments of agriculture, to overcome these hurdles by partially funding international market research and trade missions to foreign countries.

Access to the Chinese market does us no good if we can't take advantage of it. MAP will help our producers develop it and become better at international trade and marketing. Reject this short-sighted amendment. Support MAP.

Mr. ROYCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. ROYCE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from California (Mr. ROYCE) will be postponed.

The point of no quorum is considered withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in full committee I offered an amendment to deal with the concentration of economic power in the processing industry in this country. We cannot offer that amendment on the floor because of budget limitations, but I want to make clear that before this bill returns from conference, it ought to do a number of things.

I wanted to add funding for the Grain Inspection Packers and Stockyards Ad-

ministration, for instance, and to the Agriculture Department's Office of General Counsel to bring both accounts up to the amount requested by the President. The reason that I wanted to do that is very simple: we can throw all the money in the world that we want to at farm programs, but unless we deal with the fact that the agriculture industry is largely dominated by oligopolies, we are not going to do very much to help either the consumer or the farmer in the process.

There are four companies that now control 81 percent of cattle purchases, beef processing and wholesale marketing, and in only 5 years we have seen the margin between the price paid to farmers and wholesale price of beef jump by 24 percent. It just doesn't apply to the beef industry.

If you look at the pork market, four companies now control 56 percent of the pork market, and the margin between the wholesale price of pork and the price paid to the farmer has jumped by more than 50 percent.

We have had a continuous consolidation in the grain industry and in the dairy industry and an amazing concentration of economic power in the poultry industry, where giant corporations such as Perdue and Tyson's are not only squeezing farmers, but also abusing workers and wreaking havoc on the environment in the process.

To really address these problems, it seems to me we need substantive legislation, for example to grant the Agriculture Department authority to review mergers and acquisitions affecting farming and food, and we need to do a variety of other things. That, obviously, is beyond the scope of this bill. But this bill, for instance, in addition to the other funding shortfalls that I have discussed, also has a serious shortfall in the Office of General Counsel. We need to correct those problems when this bill comes back from conference.

As I say, we are precluded from offering an amendment to do anything major on this right now because of the Budget Act, but it is my full intention to see to it that when we go to conference, this matter is corrected; because until we do correct it, the consumers are going to continue to get euchred by the situation, and so will virtually every small farmer in America.

Mr. SHERMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as you may know, I have an amendment at the desk. I rise to explain why I will not be offering that amendment.

Mr. Chairman, that amendment deals with the provisions of this bill which provide funds for the inspection and facilitation of agricultural imports, particularly those from the Islamic Republic of Iran. In March of this year the administration lifted our ban on imports from Iran as to four products, three of them agricultural products; and I believe that lifting this ban may have been the result of undue optimism, or at least premature optimism.

The rhetoric in Tehran has improved, but the actions of the Iranian government have not. A year and a half ago, 13 Jews were arrested in the southern Iranian city of Shiraz. They have been subjected to show trials. Ten have been convicted. The average sentence is 9 years. Some of the sentences go up to 13 years.

That is why, Mr. Chairman, I drafted an amendment that would say that those three agricultural imports cannot come into this country, or at least none of our taxpayer dollars could be used for the necessary inspection.

But just as I believe the lifting of the ban on those imports may have reflected premature optimism, I do not want to be guilty of premature pessimism. It is quite possible, I think, that the Iranian president or their appellate court system will in the next few weeks vacate those verdicts, or at least release the prisoners. So I think it is best that I not offer this amendment, especially because this amendment, if adopted, would lock us into a particular position for an entire fiscal year; and it would deny the use of those funds to facilitate imports from Iran for the entire fiscal year.

Instead, I think it better that I will join with others in introducing legislation that will provide for a ban on all Iranian exports to the United States, agricultural and non-agricultural, until such time as the President of the U.S. is able to certify that the Iranian government has made substantial improvements in the treatment of its religious minorities.

Mr. Chairman, the charges against the 13 jailed in Shiraz were absurd, since no Jew in Iran is allowed to come anywhere near anything of military or security significance.

Mr. Chairman, the trials were reminiscent of those of Joseph Stalin, show trials with forced confessions, no evidence and very little specificity to the charges; and the verdicts were harsh, 10 convictions subjecting the defendants to a total of 89 years in prison.

Many governments around the world have said that these trials are the yardstick by which Iran must be judged as to whether it has made improvements in human rights and whether it has made improvements in treating its religious minorities. Clearly, Iran has not yet improved its behavior, even as there has been hopeful rhetoric.

Mr. Chairman, I believe that we should adopt the slogan "no justice, no caviar." We should certainly not allow the import of caviar, pistachios, dried fruit, or carpets into this country until justice is achieved.

Not only is a ban on the imports to the United States from Iran helpful in that it applies some pressure economically to Iran, it is also the strongest way that we can signal our position and puts us in a stronger position to deal with other countries: Germany, where the Iranian foreign minister is visiting today; Japan, which, unfortu-

nately, is funding hydroelectric facilities in Iran; and the World Bank, which, unfortunately, approved, but did not yet disburse, a loan of \$231 million.

So, Mr. Chairman, my hope is that this amendment will turn out to be unnecessary; that the authorities in Iran will reverse the decision of the trial court, or at least pardon the defendants. If that does not occur, then we will be in the position to move with a separate bill that will allow more flexibility and a greater scope than is allowed in an amendment to an appropriations bill. A separate bill will apply to non-agricultural goods, as well as agricultural goods, and provide the flexibility of a presidential certification.

In addition, I would hope that if a month from now these obscenely harsh verdicts are not reversed, that the conference committee will see fit to add my amendment to this Agricultural Appropriations bill before it comes back to this House.

So that explains, why, Mr. Chairman, I will not be offering my amendment.

Mr. UPTON. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman of the Subcommittee on Agriculture of the Committee on Appropriations.

Mr. Chairman, I want to bring to your attention the fire blight problem which destroyed many apple and pear crops in Michigan. While back home this past week, I personally saw the devastation in literally orchard after orchard along the road.

In May, a severe disaster struck Michigan, all but destroying the apple and pear crops in this highly intensive agriculture region. In addition to extremely wet, warm, and humid weather conditions throughout the month, a severe thunderstorm passed over southwest Michigan in May, causing severe damage to fruit trees and fruit crops. The thunderstorm's hail, high wind, and heavy rain scarred and wounded the leaves, limbs and fruit on the trees. In the case of apple and pear trees, these wounds provided an avenue for the fire blight to enter the trees, causing severe and widespread disease.

The result is that nearly 7,650 acres of the 17,000 acres of apple trees in this region have been severely affected by fire blight. Some of the remaining 9,000-some acres are affected as well, depending upon apple variety; but the trees are expected to recover in future years. Of the acreage severely affected, we suspect that nearly some 2,000 acres of apple trees will, in fact, die. The remainder may be saved, but their production in the future will certainly be significantly reduced.

My governor, Governor Engler, in conjunction with myself, the gentleman from Michigan (Mr. HOEKSTRA), the gentleman from Michigan (Mr. EHLERS), the gentleman from Michigan (Mr. SMITH), and Senator ABRAHAM have requested Secretary Glickman to

designate the affected counties in Michigan as a disaster area, which should help to some degree.

However, more must be done. I am pleased to report that Senator ABRAHAM in the other body is working with his colleagues to provide some additional funds for relief as this body considers the fiscal year 2001 agriculture appropriation bill.

I would ask the gentleman from New Mexico (Chairman SKEEN) that as this bill moves through the legislative process that the gentleman work with our colleagues in the other body to provide much-needed relief to growers in southwest Michigan whose crops have been devastated by this fire blight.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Michigan for his attention to this important issue. I give him my assurance that as this bill moves through the legislative process, I will do all that I can to work with the other body to provide much needed funding for the growers in southwest Michigan whose crops have been devastated by fire blight.

Mr. UPTON. Mr. Chairman, reclaiming my time, I thank the gentleman for his assurance, and I look forward to working with him in the future to make sure that we get needed assistance back to our growers in the Midwest.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COBURN:  
Insert before the short title the following title:

#### **TITLE IX—ADDITIONAL GENERAL PROVISIONS**

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to take any action (administrative or otherwise) to interfere with the importation into the United States of drugs that have been approved for use within the United States and were manufactured in an FDA-approved facility in the United States, Canada, or Mexico.

Mr. COBURN. Mr. Chairman, I ask unanimous consent that time for debate on this amendment be limited to 10 minutes in opposition and 10 minutes in favor.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma (Mr. COBURN) will control 10 minutes, and a Member opposed to the amendment will control 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all I want to thank the gentleman from Maine (Mr. BALDACCIO), the gentleman from Minnesota (Mr. GUTKNECHT), and several others for their work in this area.

All this bill says is we are not going to intimidate seniors who are following the law, following NAFTA, and bringing drugs into this country from Canada or Mexico, as long as those are approved drugs and they have been manufactured in FDA-approved facilities.

Mr. Chairman, we have debated this issue to a great extent. All this amendment will do is say "hands off, FDA" on legal and qualified manufactured products. It does not have anything to do with limiting their ability on safety; it does not apply to anything but a legal drug. So that means my patients who now are trying to get their drugs from Canada, from Oklahoma, can in fact have a prescription mailed to Canada or Mexico and have it filled and shipped across the border, and the FDA cannot intimidate them and say they cannot do that. That is all we are talking about, drugs that are manufactured in this country and manufactured in FDA-approved facilities that are legal drugs.

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

The CHAIRMAN. Is there a Member that rises in opposition to the amendment?

If not, does the gentleman from Oklahoma (Mr. COBURN) yield time?

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Mr. COBURN. Mr. Chairman, I yield 5 minutes to the gentleman from Maine (Mr. BALDACC).

Mr. BALDACC. Mr. Chairman, I thank the gentleman from Oklahoma for his leadership in this area and his knowledge and the way he has been able to work together in a bipartisan fashion to get this issue addressed.

This is a very important issue to the State of Maine which borders Canada and which sees its citizens go regularly across the border in frustration as to why those same particular medicines cost so much less than they do in their own country. Recognizing that, the pharmaceutical industry, which I do not intend to vilify, has only said that they charge whatever the market will bear. I recognize, and this amendment recognizes, that many American citizens cannot bear what the pharmaceuticals are charging.

Mr. Chairman, I encourage my colleagues to support this amendment to be able to send a message that this is not an acceptable practice. We are watching many of our seniors have to split their drugs in half or not take them at all because they cannot afford them and they can go right across the border for the same drug that is manufactured in this country at a third or a fourth of the price, and only recognizing that it is the companies, in charging what they are charging, that is the differential between what they are paying and what the counterparts across the border will pay. We must ensure that the taxpayers who are providing the basic research at NIH and other research facilities, building the elemental research which the pharma-

ceutical industry builds upon those tax dollars, that the taxpayers of the United States have an opportunity to access in an affordable fashion.

Mr. Chairman, I commend the gentleman for his leadership in working together in a bipartisan fashion to address this issue and many other Members that are working on this issue, in the final analysis, to make sure that at the end of the day, the seniors have affordable, accessible prescription medicines so that they do not have to worry about the quality of their life and be able to be independent and live out their lives in a quality environment.

I support the amendment.

Mr. COBURN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

(Mr. BASS asked and was given permission to revise and extend his remarks.)

Mr. BASS. Mr. Chairman, I rise in strong support of this pending amendment which would do more than any single action to lower the prices in this country for prescription medications.

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Ms. KAPTUR. Mr. Chairman, will the gentleman from Oklahoma (Mr. COBURN) yield?

Mr. COBURN. I yield to the gentleman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would ask very simple questions of those who have drafted this amendment and are offering it. Do the gentlemen wish to do anything in this amendment that would lessen the inspection that the FDA does of drugs that may be manufactured or sold in another country and used by U.S. citizens? I want to understand the full intent of the amendment, because when the FDA Commissioner came before our subcommittee and I asked the question about drugs from other countries, she said that they could not give certainty that they were of equal quality.

Mr. COBURN. Mr. Chairman, reclaiming my time, the drugs that are produced in FDA-approved facilities, they do assure at this time that they are made to the same standard as the drugs that are made in this country. Otherwise, they would not have their approved labeling from the FDA, and that is true in all FDA-approved facilities.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for the clarification.

Mr. COBURN. Mr. Chairman, reclaiming my time, I want to discuss a little bit about this problem.

We spent 2 weeks ago talking about the crisis in the pharmaceutical industry as far as our seniors in getting drugs. It is not just our seniors; it is everybody in this country is paying too much for drugs. There are five things that could happen tomorrow to lower the price for prescription drugs in this country. This is a small step that would help. It is not even one of the major ones.

The number one thing is to have a competitive market for prices in this country. We believe in free enterprise; there is not free enterprise in the pharmaceutical industry right now. All one has to do is look at the FTC Web site. There is documented collusion. We need to address that.

Number two, our President needs to stand up and bully pulpit the pharmaceutical industry's prices. We do not need price controls. We need competition. Competition allocates scarce resources better than any type of price control ever will. What we need is real competition. Ms. Reno has received a letter signed by me asking for an investigation of which as of today, now, 4 weeks later, there has been no response on the documented areas of collusion within the drug industry.

Number three, doctors need to do a better job giving generics to seniors, and they are not.

Finally, number four, the pharmaceutical companies are not all bad. They do a lot of good things. There are private, indigent programs in the pharmaceutical industry that the health professions need to utilize. They will supply their drugs.

Mr. Chairman, I yield the balance of my time to the gentleman from Maine (Mr. BALDACC).

The CHAIRMAN. The gentleman from Maine (Mr. BALDACC) is recognized for 4 minutes.

Mr. BALDACC. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I would like to associate myself with the remarks of my colleagues from Oklahoma, from Maine, from New Hampshire and other Members that have spoken in support of this.

In Minnesota I know that we have had many seniors that have gone on bus trips and otherwise to Canada to purchase prescription drugs and often they come back with a feeling of intimidation. What we need to do is to assure them that if they are purchasing drugs that are safe, if they are purchasing drugs that are important for their health, that they are not subject to the harassment or the problems that they might face at the border when they come back.

Mr. BALDACC. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I rise in strong support of this amendment, because the gentleman from Oklahoma raised the issue of collusion. We have held hearings with the advisory panels of the Food and Drug Administration and the CDC that makes recommendations on vaccines, and we have found through our committee investigations that many of the people who are on these advisory committees that are making the decisions on what kind of vaccines our children are getting are being paid by the pharmaceutical companies that own large amounts of stock in the pharmaceutical companies.

So I would just like to say that the collusion that the gentleman refers to is not limited to the price controls or price problems that he has been talking about here today. We believe that there are other problems that need to be addressed. So I think the gentleman is on the right track, and I support this amendment strongly.

Mr. BALDACCI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. COBURN), if he would like to follow up and reinforce the safety and labeling issues that have been raised here.

Mr. COBURN. Mr. Chairman, I am happy to address those issues. Number one, we cannot manufacture a drug that comes into this country unless we are manufacturing it in an FDA-approved facility. That is number one. So safety is not a concern, and they can do whatever they want if it is not manufactured in an FDA-approved facility. Number two, it does not apply to a drug that is not approved in this country. So as far as the drugs that are approved in this country, those are the ones that are manufactured in an FDA-approved facility that will come in safe.

All we are saying is, since NAFTA is here, and I would have voted against had I been a Member of Congress at that time, but since it is here, let us use it. Let us get some benefit out of it besides stealing some of our jobs. So let us utilize NAFTA. This will not hamper the FDA.

Mr. BALDACCI. Mr. Chairman, in closing, I just want to first of all say that we are not under any illusions that all of a sudden one amendment is going to turn things around, but I believe that it is like many things, that it sends a message out, and from a million different amendments and messages and resolutions, at the end of the day, they have to receive the message and have got to be able to sit down and fashion a proposal that works universally across the board, accessible and affordable to all of our seniors, regardless of where they live and what their income is.

I think what we are seeing here today on the floor of the House and have seen throughout the country is a frustration with recognizing that something is up. People have figured out long before all of us that something is up and we need to address it. This is just one vehicle, one way to be able to do it. There are many others, and I support many of the different approaches, but at the end of the day, we have to make sure the seniors are taken care of.

Ms. KAPTUR. Mr. Chairman, I reluctantly rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 10 minutes.

Ms. KAPTUR. Mr. Chairman, I am concerned about this amendment and perhaps others that will be offered only from the sense of safety.

I rise in opposition, reluctantly, to enter into a colloquy with the gentleman who is offering the amendment here on our side. That is to ask, if a senior citizen, for example, goes on a bus trip from Maine or Ohio up to Canada or down to Mexico, when they go to a pharmaceutical operation and they go to buy a drug, let us say it is Claritin, how do they know that that is manufactured in any of the countries the gentleman is talking about with his amendment? Is it labeled? How do they know that it was manufactured in an FDA-approved facility?

The gentleman says in his amendment that these drugs were approved for use within the United States and manufactured in an FDA-approved facility. Does it say that on the box? Can the gentleman assure me, unlike the FDA commissioner who appeared before our committee and did not have the confidence that the gentleman has that seniors could be assured of equal content and equal inspection of these drugs? How can the gentleman be so certain that they are getting a product of equal import? If the gentleman could answer that question.

Mr. BALDACCI. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Maine.

Mr. BALDACCI. Mr. Chairman, I certainly will yield, if I can, to the gentleman from Oklahoma who is a physician and practices.

But my experience, and from people that I have talked to that have gone across the border from Maine to Canada have purchased the same drug where it is made in the USA, and it does not say right on the label that it has been inspected by the FDA, but it was made in the USA, and that it is the same drug that they are purchasing.

Their experience is that they paid \$400 or \$500 for what would be \$1,000 in this country. It is no different than what has been happening in agriculture with the pesticides and other types of products that are manufactured in this country, are sold overseas, and trying to be able to reimport those because of a permit process, not because of safety, not because of any issue as it may pertain to the impacts of the health of the individual, but just because of those issues, our farmers have been disadvantaged, our seniors have been disadvantaged, and as the gentleman from Oklahoma has said, it seems that NAFTA is a one-way street. They build the wall, and nothing gets in, but everything tends to come out. The gentlewoman recognizes that in her fights that she has led in this Congress over the years with regard to those issues.

Mr. Chairman, the gentleman from Oklahoma (Mr. COBURN) may like to respond on the safety issues.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I think a couple of points are important. Num-

ber one is when we get a drug in this country, we do not know where it is made, because a large portion of our drugs in this country are made in Europe, made in South America, made in Puerto Rico, in FDA-approved facilities. They have to meet that standard. That is number one. Will there be an accident? Sure, there will be. I will not deny that there will be a mistake made in filling a prescription just like there is every day in this country as well.

However, I would challenge the ranking member on this committee, how many people are not getting the medicines they needed to because they cannot afford to get them, and if we allow competition to resume, which this is just one way of doing it, whom of them will markedly benefit their health, their quality of life? People's lives are being shortened today because of the abnormally high and ridiculously increased prices of many pharmaceuticals out there.

Can we assure 100 percent safety? No. The FDA cannot now. As a matter of fact, what they do is they look at drugs and say, are they safe enough? There is not any drug that is absolutely safe.

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Aspirin is not absolutely safe. But are we going to markedly increase the risk for Americans with this? Absolutely not. The FDA knows those facilities.

Will they have absolute assurance on a drug like Viagra, will somebody try to prostitute that drug and make a substitute? They are doing that now and they are bringing them in. It is not going to be a new problem for the FDA, and it is not going to be more of a problem.

What it is going to be is more access at better prices for our seniors and everybody else in this country for the pharmaceuticals, because the competitive model is not working in this industry today. This will be a shot that says that we need the competition to work. That is why we want to do this.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, perhaps the officials from the Food and Drug Administration are listening to this debate. If there is any doubt in their minds as to the net effect of this amendment as we move towards conference, we can tighten up the language to make sure that we do nothing to lessen the food, drug, and safety laws of the country, which are the strongest in the world, to protect the health of our people.

I know that neither gentlemen would want to undermine that. Obviously, they would want to improve it. Maybe there is some way that FDA could indicate on the boxes that it is from an FDA-approved facility. I think we want to give consumers ultimate confidence that the purchase they are making will not harm them.

Mr. COBURN. If the gentlewoman will continue to yield, the European Union today has just as strong rules as we do. They import drugs from all

over. In terms of quality, efficacy, and safety, their laws are almost exactly the same. They are coming from a range of 13 to 15 countries. If they can do it, certainly we can do it with our neighbors.

Ms. KAPTUR. I would just say to the gentleman, in the food area they obviously do not have the same standards. In the drug area, their system is quite different.

Mr. BALDACCI. Mr. Chairman, if the gentlewoman will yield further, I appreciate the gentlewoman's suggestion. I would encourage the FDA and others that have any issue here, that can be tightened up in conference. I think that is an excellent suggestion, and I would look forward to working with the gentlewoman to tighten that up if it needed to be.

Ms. KAPTUR. I thank the gentleman for that. I withdraw my reluctant opposition, and look forward to the conference on the amendment.

Ms. DELAURO. Mr. Chairman, I am astonished that we are again debating an amendment that would stifle biomedical research and impose political will on an agency whose work is based on the non-partisan rule of science. This is an invasion into the FDA's drug approval process—a place where Congress has no right to be. We are not scientists. We created the FDA and charged it with determining which drugs are safe and effective for use in this country. We were wise to do so—the FDA has a long history of protecting the public from drugs that are uncertain or unsafe.

This amendment would change all that. In an attempt to impose their beliefs on all of America, anti-choice proponents of this amendment would have you believe that it would apply to drugs solely for the purpose of the chemical induction of abortion. But, in fact, we know that it would reach far beyond that.

Often times drugs are approved for one purpose, and later are found safe and effective for treating an entirely different condition. For example, the drug Doxil was originally approved by the FDA as an AIDS treatment. But later, in June of 1999, the FDA approved the same drug for the treatment of ovarian cancer. Even mifepristone, the target of this amendment, currently shows promise for use in the treatment of breast cancer, benign brain tumors, ovarian cancer, and even prostate cancer.

Let's call this amendment for what it is—an attempt to score a political point on abortion. Unfortunately, the casualties in this political move are biomedical research, independent scientific evaluation of medicines, and patient access to reproductive health drugs.

What this amendment would in fact do is begin a path whereby Congress decides, based on political and ideological considerations, what drugs it thinks America should or should not have access to, and then blocks the FDA from taking action to approve drugs deemed inappropriate. Let me ask you, what would this lead to next? Which political issue would be the target of the next attempt to thwart research or invade the FDA's drug approval process? We must be mindful of the dangerous precedent this amendment would set.

Now is not the time to limit the FDA in their work to determine the safety and efficacy of

promising new drugs in America. This amendment would not only limit the FDA but it would have a chilling effect on biomedical research, particularly women's health research, which has been severely understudied for years. This amendment may be aimed at one issue, but it will have consequences for millions of Americans.

When we halt action on an entire category of drugs, we erase the possibility that those drugs could hold for treating other conditions. We stamp out the scientific pursuit of medicines that heal with one attempt to limit the safe practice of abortion—which I might remind my colleagues is still a legal right in this country.

This Congress has made biomedical research a priority. We have agreed that we have an obligation to fund the search for cures and better treatments for disease in this country. We have the unique opportunity as lawmakers to use public policy to actually improve people's health and improve their lives. But what this amendment would do is exactly the opposite—it would place political gain ahead of real progress. It would replace the gold standard of drug approval that this nation has come to trust with congressional restrictions based only on personal ideology—not sound science.

Speaking as both a legislator and a cancer survivor, I know the value of modern medicines. To be quite frank, I am offended by the idea that some lawmakers think they can dictate to the FDA what work they can do on proposals that could improve the lives of Americans.

I urge my colleagues—don't force your opinion regarding choice on the FDA and the people who rely on it for sound, scientific judgement. Allow the FDA to continue the important work it does in evaluating all potential pharmaceuticals. Do not subject the FDA scientists to the personal philosophies of some Members of this House. Preserve the promise of biomedical research and new drugs for all Americans. Defeat the Coburn Amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong opposition to the amendment offered by Representative COBURN.

For the past three years, Congress has revisited Rep. COBURN's amendment to prohibit the FDA from testing, developing, and approving drugs that could cause the chemical induction of abortion. Like the so-called "partial birth abortion" ban, it has become a hallmark of the anti-choice agenda.

But this measure is not about abortion or even mifepristone. It is about Congress trying to dictate what the FDA is permitted to do and not to do. As a public health specialist by training, I am appalled that my colleagues would attempt to interfere with the FDA's ability to test, research, and approve any drug with political mandates.

Reproductive health drugs should be held to FDA's rigorous science-based requirements that any drug must meet before approval can be granted—just like any other drug. They should not be singled out simply because they deal with reproductive health.

In 1996, the Food and Drug Administration found mifepristone a safe and effective method for early medical abortion. This drug has been used successfully by more than 500,000 women around the world for over twenty years in countries like France, Sweden, and the United Kingdom, and was just recently made

available in Spain, the Netherlands, Australia, and Israel. Every country in Europe, and beyond, seems to recognize the benefits of making this drug available to women—except the United States.

This measure seeks not only to deny American women access to mifepristone, it also threatens the health of Americans in general. In addition to providing safe, medical abortions, there is evidence that mifepristone has great potential to treat serious medical conditions such as inoperable brain tumors, prostate cancer, and infertility—as well as female specific conditions like endometriosis, uterine fibroids, and breast cancer.

I ask my colleagues, how many other uses are there for a drug like Viagra? Yet, Viagra hit the market in record time. What kind of message does that send to the world? The consideration of this measure and the failure of the United States to make this drug available tells the world that the health of Americans is negotiable and subject to the will of anti-choice politicians.

If passed, this amendment would not only compromise the integrity of FDA's scientific process, it would open the door for further invasions on the drug approval process. More importantly, it would set a very dangerous and irrevocable precedent in the medical community.

Over the past three decades, the face of reproductive health care has drastically changed to serve the needs of American women. And for the first time in history, a reproductive health drug has the potential to benefit not only American women, but to provide more appropriate care to millions of Americans. Who are we, Members of Congress, to interfere in the face of such immense scientific progress?

Americans trust that drugs approved by the FDA are safe. Vote "no" on the Coburn amendment and let the FDA do its job.

Ms. PELOSI. Mr. Chairman, I rise to oppose the Coburn amendment to the Agriculture Appropriations bill. I strongly disagree with this amendment because it would block the Food and Drug Administration from testing, developing, or approving any drug that would induce abortion, including RU-486. The Coburn amendment would limit the development of the next generation of safer, more effective contraceptives and this is wrong.

Women in America have a right to choose. We must protect this right. The goal of this Congress should be to reduce the number of abortions, protect the right of women to choose, and to make necessary medical choices safe and legal. It is wrong for Congress to tell the FDA to approve a particular drug or to disapprove one. Instead, it is the FDA's mission to decide whether a drug is "safe and effective." The Coburn amendment would make this decision for the FDA and substitute Congress' judgement over the judgement of medical professionals.

We must remember that RU-486 is a product proven to be medically safe. After extensive French and United States clinical trials, the FDA has determined that it is safe and effective for an early medical abortion. For about 20 years RU-486 has been available to Europe's women. The effect of this amendment is to ban RU-486 which can be used for a nonsurgical abortion. For women for whom surgical abortion poses risks or is otherwise inappropriate, the Coburn amendment unconstitutionally restricts the right to choose. For



women living far from clinics, it precludes the possibility of receiving RU-486 in their physician's office, again burdening the right to choose. Women have the right to choose and I support the current FDA medical approval process.

We should not trample on the FDA's ability to test, research and approve drugs based on sound scientific evidence. We should also remember this amendment is not limited to just this one safe and effective drug. It is not simply about access to RU-486 alone. It would have a dangerous chilling effect on developing other drugs for various other medical purposes. Drugs used to treat other conditions including cancers and ulcers can induce abortion. This proposed ban could limit the FDA's capacity to consider approving these other therapies and could force researchers to reject promising treatment opportunities.

I stand with the American Medical Association; the American College of Obstetricians and Gynecologists; and the American Medical Women's Association to oppose this amendment.

I urge my colleagues to oppose the Coburn amendment and protect a woman's right to choose. Vote "no" on the Coburn amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. COBURN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COBURN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 96, after line 4, insert the following new section:

#### **TITLE IX—ADDITIONAL GENERAL PROVISIONS**

SEC. . Within available funds, the Secretary of Agriculture is urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the fuel needs of the Department of Agriculture.

Ms. KAPTUR. Mr. Chairman, I offer a sense of Congress resolution in the form of an amendment concerning ethanol and diesel fuels.

Mr. Chairman, we all have seen the price of fuel rise across the country, spike, and cause businesses and households a great deal of economic anxiety this summer. It was but yet another example of our overdependence on imported fuels to move this economy.

There is no one answer to that problem, but obviously we should all have a strong, very strong-willed position to move America toward any energy independence in our lifetime.

One of the most important departments to help us do that is the Department of Agriculture. In fact, the poten-

tial for the expanded use of ethanol and biodiesel and biofuels of all kinds using cellulose from our fields and forests is absolutely unlimited and it is renewable.

In addition to that, it is much less polluting. The State of Ohio, for example, I think leads the Nation in mixtures that involve ethanol. We have shown that research can be done in producing alternative fuels that benefit our environment, can actually help our engines burn more cleanly, and end our growing dependence.

Over 60 percent of the fuel used to power this economy comes from foreign sources. It is our major strategic vulnerability.

USDA has been helping in research, albeit slowly, over the years. We are making some progress. The intent of this resolution is to further encourage the Secretary of Agriculture to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in all of USDA facilities across the country. There are hundreds.

One of the areas in which we are successfully working is in the district of the gentleman from Maryland (Mr. HOYER) in Beltsville, Maryland, at the chief research station in this country to power many of the land vehicles, tractors, and cars, used in that major research station.

What we are asking USDA to do in this sense of Congress resolution is to exert the maximum effort possible and look at the other sites around the country, including cooperative efforts with our land grant universities, with other research sites across the country, with the headquarters facilities here in Washington, D.C., and really help lead America forward and develop the set of connections that can move product from the farm into industrial and agricultural use by the end user.

So it is very straightforward, and if we are to be serious about alternative fuels, we must use every arrow in our quiver. We are asking the USDA to put added muscle behind this in every single facility that it operates across the country.

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I accept the gentlewoman's amendment, and recommend that the House do so, as well.

Ms. KAPTUR. I thank the gentleman. I just wish we could power some of those sheep with some ethanol, but we will probably figure out a way to do that in the future.

Mr. SKEEN. We keep them well inoculated, and they do not buy their pharmaceuticals from anyplace other than home.

Ms. KAPTUR. I thank the gentleman for his support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT NO. 70 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 70 offered by Mr. GILMAN: Page 85, after line 15, insert the following new section:

SEC. . The Secretary of Agriculture shall use \$15,000,000 of the funds of the Commodity Credit Corporation to provide compensation to producers of onions whose farming operations are located in a county designated by the Secretary as a disaster area for drought in 1999 and who suffered quality losses to their 1999 onion production due to, or related to, drought. Payments shall be made on a per hundredweight basis on each qualifying producer's pre-1996 production of onions, based on the 5-year average market price for yellow onions.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GILMAN. Mr. Chairman, my amendment would require the Secretary of Agriculture to use \$15 million of the funds of the Commodity Credit Corporation to provide compensation to producers of onions who were hard hit by drought in the 1999 growing season.

The reason for this amendment is quite obvious. Onion producers from my congressional district in Orange County, New York, have been devastated by either drought, wind, or rain 3 out of the past 4 years. Making matters worse, the USDA crop insurance program provided little or no assistance to these growers.

I had the opportunity to visit with our onion producers just this past week to learn of their outstanding plight. While it is imperative that these growers receive adequate assistance in order to survive, I will withdraw my amendment, since it is subject to a point of order in the House.

However, I would ask the distinguished chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), if I could speak with him on this important matter.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I understand the gentleman's concern, and we will continue to do our best as the bill proceeds to conference.

Mr. GILMAN. Mr. Chairman, I would tell the gentleman, onion growers in Orange County, New York in my congressional district have suffered devastating losses 3 out of the past 4 years, 1996, 1998, and 1999. They are in desperate need of meaningful assistance. The small sums which crop insurance paid to these farmers due to the 1996, 1998 and 1999 losses failed to provide anything close to minimal relief.

Accordingly, our farming families continue to lose their farms, individuals are uprooted, a traditional way of life is jeopardized, and a segment of our

national food supply has been further diminished. These are the very upheavals which crop insurance was designed initially to prevent.

The USDA has clearly demonstrated its inability to effectively deliver needed and equitable crop loss disaster assistance to Orange County onion farmers. Repeated and intense communications between the Department, my office, and onion producers over the last few years at all levels have failed to address any of our concerns.

USDA officials have stated that the Department does not have a clear direction from the Congress on how to proceed with the complicated and untraditional issues surrounding the unique situation facing these onion growers, including, one, how to compensate for crop quality losses; two, reliance on a crop insurance model that cannot adequately account for multiyear losses, let alone 3 out of the 4 years; and third, how to calculate payment for high-value family farm specialty crop businesses.

Accordingly, I would ask for the chairman's commitment to work with me to provide assistance to our onion growers in Orange County, New York, who have incurred devastating crop losses due to damaging weather-related conditions 3 out of the last 4 years.

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, again, I understand the gentleman's concern. We will continue to do our best as the bill proceeds to conference.

Mr. GILMAN. Mr. Chairman, while I am sure it will come as no surprise, our onion growers in Orange County are proud to receive few government subsidies. However, the current plight of these hard-working producers threatens the overall fate of our Hudson Valley, our State, and Nation's agricultural industry.

As their representative, I can no longer allow that unique and devastating situation to go unnoticed and unassisted, and thus I greatly appreciate the gentleman's willingness to work with us on this important matter. I thank the chairman.

Mr. SKEEN. I would tell the gentleman, we will do the very best we can on that matter.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill, insert after the last section, preceding the short title (page 96, after line 4), the following new title:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used—

(1) to implement section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a));

(2) to exercise the authorities conferred upon the President by section 5(b) of the Trading With the Enemy Act, which were being exercised with respect to Cuba on July 1, 1977, as a result of a national emergency declared by the President before that date, and are being exercised on the day before the date of the enactment of this Act, and any regulations in effect on the day before such date of enactment pursuant to the exercise of such authorities;

(3) to implement any prohibition on exports to Cuba that is in effect on the day before the date of the enactment of this Act under the Export Administration Act of 1979;

(4) to implement the Cuban Democracy Act of 1992, other than section 1705(f) of that Act (relating to direct mail service to Cuba);

(5) to implement the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, or the amendments made by that Act;

(6) to implement subparagraph (A) of section 901(j)(2) of the Internal Revenue Code of 1986 (relating to denial of foreign tax credit, etc., with respect to certain foreign countries) with respect to Cuba;

(7) to implement section 902(c) of the Food Security Act of 1985;

(8) to implement General Note 3(b) of the Harmonized Tariff Schedule of the United States with respect to Cuba; or

(9) to regulate or prohibit travel to and from Cuba by individuals who are citizens or residents of the United States, or any transactions ordinarily incident to such travel, if such travel would be lawful in the United States.

Mr. MENENDEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida is recognized on his point of order.

Mr. DIAZ-BALART. Mr. Chairman, I rise to make a point of order against this amendment on the ground that it violates clause 7 of rule XVI on the issue of germaneness.

Mr. Chairman, the amendment references a number 9, as a matter of fact, programs and/or laws. All of the programs, certainly not even the overwhelming majority of them that are referenced, are either administered or enforced or regulated or in any way funded by this bill that we are considering this evening.

There is clearly an issue of germaneness, so under clause 7 of rule XVI, I raise the point of order.

The CHAIRMAN. Does the gentleman from New York (Mr. RANGEL) wish to be heard on the point of order?

Mr. RANGEL. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. RANGEL. Mr. Chairman, it was my understanding that the gentleman from Florida was part of an agreement that would allow our farmers to export their products to Cuba.

Mr. Chairman, while it is true that the agreement was supposed to be done

in conference and not on the floor, I thought I could facilitate what he was a party to by merely removing any restrictions that our farmers would have to allow them to sell their products. Knowing his disdain for communism and his support, I assume, to try to eliminate this form of lack of democracy in Cuba, it was the feeling of the House that we could attempt to derail the communism that existed in China, North Korea, in North Vietnam.

I just felt that if we have such compassion about trying to instill democracy all across Asia, we should have just as much concern about the nearness and proximity to my friend's home State, Florida.

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I thought that since the gentleman from Florida (Mr. DIAZ-BALART) was party to the agreement that this would allow us at least to do publicly on the House floor what so many said was going to be done privately in conference.

The CHAIRMAN. Is there another Member that wishes to be heard on this point of order?

Ms. ROS-LEHTINEN. Mr. Chairman, I wish to be recognized on this point of order.

The CHAIRMAN. The Chair would remind Members that they should direct their comments to the Chair regarding whether or not the point of order should or should not be sustained.

The gentleman from Florida may continue.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the Rangel amendment, but I support my dear colleague, the gentleman from Florida (Mr. DIAZ-BALART) on the various points about why this part of the bill should be stricken, why this amendment should be stricken.

What this amendment is asking our U.S. agencies to do is to look the other way when U.S. laws governing trade with the oppressive Castro regime are being violated. It does so by prohibiting funds in the act from being used for the implementation of various foreign policy and national security restrictions.

This amendment extends far beyond the jurisdiction of the appropriations bill by referring to authorities, export controls and sanctions imposed under the Foreign Assistance Act, The Trading With the Enemy Act, the Export Administration Act, the Cuban Democracy Act, and other existing laws whose enforcements are administered by the Department of Commerce, the State Department, the Treasury Department and sometimes in consultation with the Department of Defense.

Mr. Chairman, it is ironic that the gentleman from New York (Mr. RANGEL), my good friend, the sponsor of this amendment, who repeatedly comes to the floor advocating for greater presidential authority over foreign policy and trade matters and seeks a minimal congressional involvement in

any of these issues would offer an amendment which actually restricts the President and issues a congressional mandate dictating what the pertinent agencies can and cannot do. So I believe that this amendment, which really seeks to change U.S. policy toward the brutal Castro dictatorship which rules Cuba with an iron grip by circumventing and ignoring the committees of jurisdiction, who have the expertise in these issues; without affording those committees an opportunity to debate, discuss and offer recommendations.

Further, Mr. Chairman, the Rangel amendment is in direct conflict with the agreement that we had reached a few weeks ago on the sanctions issue, an agreement which I believe has received broad range of support, and this agreement not only maintains a strong stance against Cuba's totalitarian regime, but it also protects American taxpayers from bearing the burden of failed loans and poor investments with Castro.

I would hope that the chairman would rule that this is not germane to the bill in question.

The CHAIRMAN. The Chair is prepared to rule, but would inquire, are there other Members who wish to be heard specifically on the point of order?

The Chair has been lenient allowing a certain amount of substantive debate to creep into this and would be prepared to rule, unless there are other Members who wish to be heard on the point of order.

For what purpose does the gentleman from Minnesota rise?

Mr. MINGE. Mr. Chairman, I would like to address the point of order.

The CHAIRMAN. The gentleman from Minnesota is recognized for that purpose.

Mr. MINGE. Mr. Chairman, I would like to thank my colleague from New York (Mr. RANGEL) for bringing up this issue. We have all read of numerous hours of negotiations that have been spent on Cuba trade and agricultural products. We know that the agricultural appropriations bill has been held up for probably a month as a result of negotiations behind the scenes. This amendment is an opportunity for us to consider on the floor of the House of Representatives this very important issue, otherwise, this point of order seeks to force deliberation on this amendment into the closed confines of conference committee.

I urge that the Chairman rule against the point of order so that we have openness with respect to the legislative process and so that we have an opportunity to consider an amendment that provides a realistic opportunity for trade with Cuba rather than a hollow provision which will allow for very limited trade with Cuba.

Mr. Chairman, I really feel that this particular amendment is the only opportunity that this body will have to debate and deliberate on the trade with

Cuba issue which otherwise is going to be foreclosed to this body, we will see something come back from conference committee, there will be a rule, which will waive all points of order, and this particular debate will be precluded.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The gentleman from New York (Mr. RANGEL) has the burden of proving that the amendment is germane.

Does the gentleman have additional arguments he would like to make in that regard?

Mr. RANGEL. The gentlewoman from California (Ms. WATERS) has been working on some points that deal with this point of order, and I would like to hear from her, Mr. Chairman.

The CHAIRMAN. The Chair has been quite lenient but asks Members to speak to the point of order.

Ms. WATERS. Mr. Chairman, I rise to support my colleague from New York (Mr. RANGEL) on this amendment and certainly believe it to be germane. I think it has been correctly stated that there has been a lot of backroom dealing going on on this issue. Day in and day out, we have heard about all of the antics, all of the various manipulations and maneuvering that has gone on only to have surfaced some very, very limited trade. One way that would perhaps allow our farmers to sell to Cuba, but would, on the other hand, do a lot of damage to the work that this President has been doing to help open up discussion and debate and to export democracy to Cuba.

It seems to me that this amendment would take care of some of the problems that have been created by my colleagues from the other side of the aisle, and I would simply ask that the Chair would recognize that and rule in favor of my colleague and the work that he is attempting to do.

The CHAIRMAN. The Chair is prepared to rule.

For what purpose does the gentleman from New Jersey rise?

Mr. MENENDEZ. Mr. Chairman, on the point of order if I may.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. MENENDEZ. Mr. Chairman, I have a great deal of respect for the gentleman from New York (Mr. RANGEL). I believe his venue here is inappropriate.

For those of us who are not privileged to sit on the Committee on Appropriations but who have ranking positions, as I do, on the Committee on International Economic Policy and Trade for which sanctions issue fall within the jurisdiction of our committee.

We do not believe that the appropriations bill is the appropriate venue for the pursuit. I did not believe that the amendment of the gentleman from Washington (Mr. NETHERCUTT) in the committee, which was legislating an appropriations bill, was appropriate.

It deprives those of us who have jurisdiction over certain items, if that is allowed to move forward, to, therefore,

nullify the value of our positions; therefore, I think that the amendment is not germane.

I further think it is an attempt to legislate in an appropriations bill, because it talks about travel as well which has nothing to do within the appropriations part of this agriculture bill. On the merits, of course, I have a strong disagreement with the gentleman, but I believe his venue is wrong and I would urge that the Chair rule the amendment out of order.

The CHAIRMAN. The Chair is prepared to rule on the amendment.

The gentleman from New York (Mr. RANGEL) has the burden of proving that the amendment is germane. The preface in the amendment that it is confined to funds in the bill is helpful in determining germaneness, so long as the listed funding to be prohibited bears some relationship to the functions of departments and agencies covered by the bill.

The Chair is unable to determine any role the covered agencies have in carrying out several of the laws mentioned in the amendment. Title VIII of the reported bill has been stricken on a point of order and the list of sanctions relating to Cuba is no longer in the bill. For this reason, the amendment, although in the form of a limitation, does not relate in all respects to programs covered by the bill and is not germane. The point of order is sustained.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to simply speak on behalf of the amendment that was already adopted, which I strongly support, and I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for supporting. I also want to thank my good friend, the gentleman from New Mexico (Mr. SKEEN) for supporting this as well.

This dealt with the alternative fuels amendment that was already adopted, and the reason I wanted to rise in support of it is because for the last 11 months the Beltsville Agricultural Research Center, which is located in my district and so strongly supported by the committee, has been conducting a pilot project using biodiesel. Biodiesel, or any of the other alternative fuels, makes sense for two reasons, Mr. Chairman. First, because biodiesel is derived vegetable or soybean oil it opens another potential market for our Nation's farmers. Secondly, biodiesel is good for the environment. It is a renewable resource that burns much cleaner than conventional diesel.

At BARC, they use 80 percent diesel and 20 percent soybean oil mix. Their test results found that using biodiesel reduces carbon dioxide emissions 16 percent. Now that may have already been mentioned, but it bears repeating. Particulate matter, which is a major component of smog, is reduced by 22 percent and sulfur emissions are reduced by 20 percent.

Mr. Chairman, to date the 143 vehicles in their fleet have used over 60,000

gallons of biodiesel in their trucks, tractors and buses. They have found that maintenance costs are the same as using conventional diesel fuel.

In fact, the mechanics at BARC's motor pool actually prefer using biodiesel. Not only does it increase lubrication throughout the engine but unlike regular diesel, it does not emit fumes that cause eye irritations, a fact that those of us who have been behind buses from time to time will think is a pretty good idea.

I was going to urge my colleagues to adopt this amendment, but I want to commend my colleagues for already having done that, but I am pleased that I had the opportunity to rise. I congratulate the gentlewoman from Ohio (Ms. KAPTUR) for this initiative.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I wanted to thank the gentleman from Maryland (Mr. HOYER) for being such a strong supporter of alternative fuels and, obviously, with the gentleman's support, the Beltsville Research Station, the premiere agricultural research station in the country, is leading the rest of the Nation in this important arena.

Mr. Chairman, I want to thank the gentleman from Maryland (Mr. HOYER) for his own leadership as a member of the Committee on Appropriations in assuring that Beltsville understands the seriousness of this Congress in trying to move additional alternative fuels on-line for the sake, not just of the Beltsville station, but for the sake of the Nation. I want to thank the gentleman for taking the time today to place in the RECORD the actual research, the demonstration and the results of what has actually been accomplished at Beltsville.

Without question, the gentleman is placing a foundation there that can be built upon and transferred to other USDA sites, as well as the cooperative agreements that USDA can reach with all of our land grant universities across the country.

I just want to thank the gentleman for helping to spur these efforts forward and for helping Beltsville lead the rest of the Nation as it should.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I thank the gentlewoman for her comments and thank her for her leadership. Again, I thank the chairman of the committee, the gentleman from New Mexico (Mr. SKEEN), my friend, for his leadership as well.

AMENDMENT NO. 33 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 33 offered by Mr. SANFORD:  
Insert before the short title the following:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to carry out a pilot program under the child nutrition programs to study the effects of providing free breakfasts to students without regard to family income.

Mr. SANFORD. Mr. Chairman, this amendment simply gets at funding for the school breakfast pilot program. Mr. Chairman, this program was a 3-year authorization which basically chose six school districts from around the country to begin a pilot program looking at the link between eating breakfast and performance in school. Last year, \$7 million went toward that cause, another \$6 million is in this bill. This amendment goes after \$6 million that is currently in the bill.

I would simply say that common sense would dictate, not another \$6 million, that there is directly a link between having breakfast and performance for a young person at school.

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It does not take \$13 million to tell us that young folks will do better in school after breakfast than without breakfast.

So I do not think this amendment is at all about the merits of the pilot program itself. Rather, I think that what this is about is do we want this pilot program to, since we know that is directly a link between one's performance and having breakfast, do we want to grow this into school breakfast for everybody around the country? For me, the answer would be no. Because if one actually looks at the numbers, it would cost a full \$750 million a year to provide free breakfast for every school and every child in school districts across the country. To me, that says there is no free breakfast, there is no free lunch. \$750 million is a lot of money.

Now, the reason I think it is worth looking at is that, if one is poor, one is going to get a free breakfast at school. Since 1975, the result of basically action taken here in this Congress, poor folks have been able to get a free breakfast. In fact, I have a chart here that shows participation rates around the country. In South Carolina, 98.9 percent of school districts offer breakfast. In West Virginia, it is 98.7. In Idaho, it is 97.8. In Texas, it is 96.8. In Delaware, it is 96.6.

I could read the other numbers for each of the other States in the Union; but the point is that, in the whole, we are looking at very high participation rates for breakfast.

The point is do we want to have another Federal mandate that says one is going to have school breakfast, and again I would say no. The reason I say no is that I think we have to take aim at helping folks. I think that those in need absolutely should be given a free breakfast. But if one is a lawyer, does one need to have a free breakfast for one's children? If one is a doctor, does one's children need to get a free break-

fast? If one is a high-tech zillionaire from Silicon Valley, does one's children need to get a free breakfast?

In fact, if I look at the number of school districts across this country, 20 percent of the families who send their kids to public schools make in excess of \$75,000. Five percent make over \$132,000. Do we want people from Georgetown County, where per capita income is basically a little less than \$20,000 a year in South Carolina, subsidizing people who make over \$132,000 in the purchase of their child's breakfast? I would have to say no.

I as well would just make a point that the gentleman from Pennsylvania (Chairman GOODLING), the chairman of the Committee on Education and the Workforce, in the debate that occurred at the committee level on this came out on the side of we do not need a universal free breakfast program.

Finally, I want to say that I think that this is the most basic of all parental responsibilities. The idea that before one sends one's kid off to school that one help them with breakfast, especially if one is financially able to do so. This is a place wherein family traditions can be passed along, family history can be passed along, have you done your homework can be passed along. A lot of other normal family questions can occur at the breakfast table. So handing this off to school districts to me would be a mistake on that basis as well.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in absolute opposition to the Sanford amendment, which would prohibit the Department of Agriculture from completing the School Breakfast Demonstration pilot project.

The School Breakfast Demonstration program is a scientific study to measure the effect of providing breakfast at school free of charge to all children, regardless of income, on a broad range of student outcomes, including grades, attendance, tardiness, and also behavior and concentration.

Mr. Chairman, yes, we should be providing breakfast for all of our children at their homes in the morning. But we are sure that parents in this busy world we are living in are commuting long hours, they are working long hours, and they leave the house before their children have had breakfast. Every child needs to go to school ready to learn on a full stomach.

The Meals for Achievement Act that I authored has already received half of its needed funding. The first \$7 million was appropriated last year. The program is already under way. After a nationwide competition, six school districts have been chosen to participate.

As we debate, these school districts across the country representing a wide variety of schools, school districts, and students are already setting up their programs. Why would we today take that funding away from them?

Mr. Chairman, as a Nation, we are searching for answers to the many

challenges our schools and our children face. Numerous studies, including one by Harvard University and Massachusetts General Hospital, show that children who eat breakfast improve both their grades and their behavior in school. But I can assure my colleagues, if I came to this floor and said to them that it is absolute that children who eat breakfast do better in school, one would say to me prove it.

I want a scientific study, and I want that study to be a government, a Federal Government-paid and -monitored study. That is why we need to do this pilot program.

But because children need to have breakfast is one of the reasons why many school districts and some in my district provide breakfast at school to all of their students on the mornings before standardized testing.

In today's world, if a child is lucky enough to have two parents living at home, chances are that both parents are working and commuting long hours. More and more parents are out the door on the road early in the morning with no time to sit down to breakfast. That does not mean they cannot afford breakfast. It means these children do not eat breakfast because there is nobody there to insist that they do.

The breakfast program is voluntary. Nobody has to go to school and eat breakfast. It will be available for all children no matter when and if they want to eat breakfast.

Whether we like it or not, many children do not eat; and they do arrive at school hungry. And when they are hungry, they are not ready to learn.

So unless we want to pass a law requiring every family to ensure their kids eat breakfast before school, and then hire a bunch of breakfast police to enforce our law, we need to understand the benefits of a universal school breakfast program.

That is why we must allow the Department of Agriculture to use the funds included in this bill to complete the School Breakfast Demonstration program. Along with most educators and scientists, I believe that previous experience and studies will hold true and that the School Breakfast Demonstration program will prove once again that school breakfast is not a welfare program, it is an education program that will benefit all students.

Just as we do not charge the wealthy students for their books and their computers because they can afford it, we must not charge students for breakfast. Because like a book or a computer, breakfast is a learning tool, a tool that must be made available to all.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I want to commend the gentlewoman from California (Ms. WOOLSEY) for her great leadership on assuring that every child in this country obtains proper nutrition. Obvi-

ously, the gentlewoman from California (Ms. WOOLSEY) represents a different area of the country than I might coming from northwest Ohio or the gentleman from South Carolina (Mr. SANFORD), the author of the amendment.

However, I can tell my colleagues, even in my own district, some of the most instructive people one can speak with are the food service workers in our schools. It is very shocking to go into some of the schools and to talk to these food service workers who tell us about a young child that comes in on a Monday morning who has not eaten all weekend and who asks permission to eat two school breakfasts because he or she has not had a decent meal all weekend. It is sad to think that that can happen in America; but in fact, it is happening every day. I am sure in some communities it is happening more than in other places.

I think as we use the school breakfast program to try to make sure that every child in these early years receives proper nutrition, and maybe that is a mothering role and so maybe the women of America feel more strongly about it, I think it is important to recognize that we need to understand how to make these programs work better to make sure that we are providing proper nutrition, to really understand which children may not be getting proper nutrition and what we can do about it.

Hopefully, every child would get the food they need at home; but we know that that just is not the case in today's world with people working two and three shifts, different jobs, split shifts, all the rest. Sometimes just finding family time for dinner is difficult in today's world. That is not the world I grew up in, but it is the world that so many families deal with today.

The money that we initially provided for this study totaled \$7 million; and, in fact, the study is under way. The remaining \$6 million that the gentlewoman from California (Ms. WOOLSEY) and others have supported is coming from transferring monies out of the WIC program, the Women, Infants and Children's feeding program that are carrying over balances that are not needed because we are being successful with enrollment in that program, taking great care to be sure that sufficient dollars do remain in the WIC program.

Nothing is more important than a good meal with proper nutrition for the learning ability of children. When they do not eat enough and they do not eat properly, they get tired. Their brains do not grow fast enough. Their early years are absolutely critical in producing a child that can fully function in this society.

So I would urge defeat of the amendment of the gentleman from South Carolina (Mr. SANFORD) and again compliment the gentlewoman from California (Ms. WOOLSEY) for her outstanding leadership and her great heart on making sure that every child in

America grows to their full potential, beginning with good nutrition.

Mr. CLAYTON. Mr. Chairman, hunger is an issue many in America would prefer to ignore.

This amendment is about hunger.

This amendment is about making sure all of our children have a hearty meal and a healthy start as they begin the school day.

There is evidence of hunger in 3.6 percent of all households in America.

Close to four million children are hungry.

Fourteen million children—twenty percent of the population of children—live in food insecure homes.

In food insecure homes, meals are skipped, or the size of meals is reduced.

More than ten percent of all households in America are food insecure.

Because there is such hunger and food insecurity, there is also infant mortality, growth stunting, iron deficiency, anemia, poor learning, and increased chances for disease.

Because there is such hunger and food insecurity, the poor are more likely to remain poor, the hungry are more likely to remain hungry.

It seems strange that we must fight for food for those who can not fight for themselves.

It really is time to stop picking on the poor.

Less than 3 percent of the budget goes to feed the hungry.

It is for those reasons we must soundly and solidly reject this ill-advised amendment.

Currently, Mr. Chairman, the Agriculture appropriations bill includes \$6 million to complete the School Breakfast Program Demonstration program.

Last year, \$7 million was appropriated for the project, and school districts have been chosen to participate.

It is imprudent, unwise and injudicious to discontinue this study at this time.

This project will give us the information we need to determine if providing breakfast at school for all children is a sound investment for federal dollars.

The link between eating breakfast and improved learning and behavior is already well established.

Students who eat breakfast do better on tests.

Students who eat breakfast make better grades.

Breakfast is a learning tool, just like books and computers.

We cannot prepare our children for the future if we insist upon policies that relegate them to the past.

And, we cannot protect and preserve our communities, if we do not adequately provide the most basic commodity for living—something to eat.

Nutrition programs are essential to the well-being of millions of our children.

These are citizens who often cannot provide for themselves and need help for existence.

They do not ask much.

Just a little help to sustain them through the day.

Just a little help to keep them alert in class and productive in their lives.

Food for all, especially our children, is worth fighting for.

Reject this Sanford amendment.

It is not worthy of our support.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by Congressman SANFORD to H.R. 4461, the Agriculture, Rural Development, Food and Drug

Administration, and Related Agencies Appropriations Act for 2001. This amendment would prohibit the use of funds to complete a pilot project under which all children will receive free school breakfasts, regardless of income.

I am a long-time proponent of child nutrition programs, but I also believe we must focus funding on those children in greatest need to services.

The universal breakfast pilot project is based on the premise that children who do not eat at school don't eat breakfast and that more children would eat breakfast at school if all children could eat for free.

Mr. Chairman, any school that wants to participate in the school breakfast program with federal reimbursements can do so, and all children are eligible for participation. However, in contrast to a universal breakfast program, only low-income children are eligible for free meals.

The school breakfast program has grown tremendously over the past years. In 1980, approximately 33,000 schools served breakfast. In 1990, approximately 43,000 schools participated. This year, approximately 74,000 schools did. The number of children participating in breakfast programs has increased as well. During the past 10 years the number of children receiving school breakfasts rose 88 percent, climbing from 4 million to 7.5 million.

Over 85 percent of low-income children enrolled in elementary school attend a school offering the breakfast program. This is an important fact because there are more breakfast programs in elementary than secondary schools. As a result, the opportunity to participate in a breakfast program is available to the majority of low-income children in elementary schools.

Mr. Chairman, I doubt there is any member in this body who would disagree with the fact that breakfast is an important meal for children. It helps provide them the energy they need to perform well in school. We do not need to prove this through a demonstration program.

What is under debate is who is responsible for feeding our nation's children. While I believe it is important that all children have an opportunity to participate in a school breakfast program, I also think the primary responsibility for feeding children lies with their parents.

Any proposal to make school breakfast free to children at all income levels in all schools would primarily subsidize middle and upper income children who do not need a free breakfast.

One reason children do not participate in the breakfast program to the extent they participate in the lunch program is that many children eat breakfast at home with their families. This is not usually an option for lunch. Why would we want to encourage children to eat at school when they can spend valuable time with their parents?

If the argument in support of a universal breakfast program is that it will reduce the number of children who are missing breakfast, large research evaluations funded by the USDA in the early 1990s do not support that contention. Studies show that 94 percent of children in kindergarten through third grade already eat breakfast and that the presence of school breakfast does not increase this number.

I have opposed the funding of this pilot project from the beginning and continue to op-

pose it. It is not needed. We have a school breakfast program that is available to the majority of low-income children. Other children can participate if they want to do so.

At every opportunity, we should encourage children and parents to share meals together.

Mr. Chairman, I want to particularly thank Mr. SANFORD for the forethought and commitment to have us stop moving forward on an effort that is unnecessary and I think unwise. All a universal breakfast program does is increase the federal budget and reduce quality time between parents and children. I encourage my colleagues to support the Sanford amendment. We do not need this pilot project.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 26 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Mr. DEFAZIO: Insert at the end of the bill (before the short title) the following:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than \$28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild predatory mammals for the purpose of protecting livestock.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) reserves a point of order.

Mr. DEFAZIO. Mr. Chairman, may I ask, does the gentleman from New Mexico (Mr. SKEEN) intend to pursue his point of order, because in the interest of time, if he does, I will offer a different amendment.

Mr. SKEEN. Yes, I do, Mr. Chairman.

Mr. DEFAZIO. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 26.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 39 OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mr. DEFAZIO: Insert before the short title the following:

#### TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than \$28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting stock.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes evenly divided between the gentleman from Oregon (Mr. DEFAZIO) and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) and the gentleman from New Mexico (Mr. SKEEN) each will control 15 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, we have debated this amendment before. Actually, this amendment passed the House this fiscal year 1999 but was narrowly defeated on a reconsideration vote after powerful special interests weighed in with howls of protest, false sense, and red herrings.

Well, first, let us dispense with the false arguments that we will hear tonight from the gentleman from Texas and others. This is not about public health and safety. Children in school yards will be safe whether or not this amendment passes. It does not go to the issue of wildlife that presents a public health and safety issue. It is not about dusky geese. It is not about brown tree snakes in Hawaii. It is not about airplanes falling from the sky after bird strikes.

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None of those activities of the Animal Damage Control agency, now called Wildlife Services, would be affected by this amendment. It is not about tuberculosis and deer in the Midwest. We will hear all those things. It is not about that.

It is about one thing and one thing only. One specific program that is reserved for private ranching interests in the western United States. A program of subsidies to those ranchers. A program that is not available to any other member of the public who has a particular problem with wildlife on their property. It is only available to the ranchers.



It is an ineffective, indiscriminate program shooting, trapping, poisoning wildlife that has been promoted by ADC, which now calls themselves Wildlife Services. And this is, again, unlike their indiscriminate ineffective program, a very specific target, eliminate the \$7 million a year subsidy. That would reduce the bill to the funding recommended by the President, which would fully meet all of the obligations to protect public health and safety and other duties of that agency except for the subsidized program which goes on to private ranch lands, benefits Sam Donaldson and others.

They have spent millions of dollars on this program, and there are more coyotes today than there were when the program began. They do not understand coyote biology. When they kill the alpha male and female, they end up with more coyotes spread over a wider range, which is exactly what has happened. They have managed to kill people's pets. They have managed to kill, unfortunately, human beings from plane crashes with the aerial gunning program.

Nothing in this amendment would prevent those same ranchers, who are subsidized by Federal taxpayers, from hiring someone or doing it themselves by any legal means to protect their livestock. They can do it themselves. Nothing in this amendment would prevent that. But it would say that they no longer will have the luxury of calling for a Federal employee to come upon their land to take care of their private wildlife problems. It will be up to them to pay for it themselves, to hire someone to do it for them.

That is the gist of this amendment. It is an amendment of great merit. It has passed the House before, and I recommend Members support it.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to make two points in regard to the amendment. First, the reason the committee has recommended funding Wildlife Services above the administration's level is because of requests from Members of this body. In fact, if we had the budget to accommodate all requests, the number would be much higher.

I would also point out that the committee recommendation also includes \$1 million for aviation safety that was requested by the USDA officials after the budget submission. Sadly, Mr. Chairman, again this year APHIS suffered a plane crash that killed two people working for Wildlife Services. The USDA is in the second year of upgrading its aviation safety program and this budget is where that money comes from.

My second point, Mr. Chairman, is the issue of fairness. Livestock producers benefit from the APHIS program, and so do many other sectors. What is the point in singling out one group? Why not take away the funds used to protect fish farms or oilseed producers from migratory birds? Why

not make the States and the cattle industry assume the full cost of the brucellosis program? Why not make the State of Hawaii and its tourism industry assume the full cost of protection from the brown tree snake? Let the States assume the full cost of rabies eradication and let the airlines and local airports assume the full cost of protection from bird strikes.

What I am saying to the vast majority of Members of this body whose districts benefit from Wildlife Services programs is that it is unfair to single out or attempt to single out one sector of one industry when so many others benefit.

In closing, I strongly recommend a "no" vote on this amendment. It will not achieve its purported purposes. It will endanger the health and welfare of people and animals alike. It is opposed by the States the sponsors represent. Contrary to recent assertions, it will have far-reaching and negative effects upon the Wildlife Services authority.

The sponsor should play it straight up and offer an amendment to do away with all lethal predator control. But they know it would never pass the House, so they attack one part of American agriculture that they have no use for. Oppose this amendment and let us get back to the real business of the House.

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

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from Oregon for yielding me this time, and I rise in strong support of the pending amendment.

Mr. Chairman, I would like to make five points. Number one, the wildlife methods of predator control are ineffective and wasteful. From 1983 to 1993, the amount of money that has been spent on this program has gone up by 71 percent, kills have gone up by 30 percent, and there is no significant reduction in the predator population.

Number two. Taxpayers should not be responsible for subsidizing predator control. As my friend from Oregon said when he spoke, not one word in this amendment would in any way impact a rancher's ability to shoot or control livestock on his or her property. All it says is that the taxpayers of this country are not going to subsidize gunning of predators on these ranches out in the West.

Thirdly, the Wildlife Services methods for predator control are inhumane. All we have to do is see footage of films of these helicopters and aircraft speeding low across the range with people with guns shooting indiscriminately from one end to the other. It is inhumane and it is dangerous.

My colleagues will hear and see the same posters that we have seen for years now, getting a little bit dog-eared, of the wolf chasing the little white sheep. They are gruesome pictures. What they do not show are the

seven humans who have been killed in aviation accidents associated with gunning these animals down. These individuals ride in these helicopters and aircraft with their rifles shooting from the aircraft, which by the way, is a violation of FAA regulations.

I guess the fourth point is that alternative methods of predator control do exist. They do exist. We do not have to support a program where we take taxpayers' funds and use them to kill animals in a program that has never really worked, and all it really constitutes in the end is a subsidy to large western ranchers.

I urge support of the pending amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to the DeFazio amendment.

This is amazing, this debate, and what kind of rhetoric is being tossed around this Chamber. The Wildlife Services program is violating Federal law in the air? FAA regulations? Give us a break.

These accusations that the program is inhumane. The accusations that it is not focused and that innocent wildlife are somehow caught in the cross-fire. The accusation that because there are more coyotes today, and there are, that it is a direct result of this program?

Those who are going to stand up and propose this amendment ought to at least stick to the facts. I have a fact here and a photo to prove how if we do not participate in this program, this inhumane activity will occur. These are several sheep in Oregon that were destroyed earlier on in a brutal way, as my colleagues can see from the photo, by wild coyotes who were roaming this area. This is the kind of inhumaneness that we are trying to stop. It is not only inhumane, it is of great cost to producers and farmers and ranchers around the country.

All of those who are standing up with this false rhetoric right now should perhaps consider, as they look at this photograph, about rewriting the nursery rhyme "Mary Had a Little Lamb" and we failed to protect it. That is what should rest on the consciences of those who would eliminate this very important program that promotes humaneness, is cost effective, and very important to farmers and ranchers around this country.

Mr. DEFAZIO. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time, and I of course am horrified by the picture of the slaughtered sheep that was shown here.

But let us talk for a moment about why this is offered. And I would suggest to my colleague from Texas that it is not superheated rhetoric. I would

have invited him to go to Clackamas County, just outside of Portland, in my district, for a tragic incident a few months ago where the Wildlife Services agent placed a cluster of canisters of sodium cyanide on the land of a tree farmer. These so-called M-44 devices, once triggered, explode and release sodium cyanide gas several feet in the air. If sodium cyanide makes contact with the mucus membrane of an animal, touching the mouths, eyes, or nose, the animal will suffer a miserable death.

On a tree farm in Estacada, a family pet, a German Shepherd named Buddy, made the fatal mistake of stumbling across an M-44 loaded with sodium cyanide. I will not show my colleagues the picture of Buddy, his face dried with blood and foam caked on his face. But what if that canister had been dealt with by a child instead of a German Shepherd?

Currently, in my State, citizens have gathered 103,976 signatures to place on a Statewide ballot a measure to restrict the use of inhumane traps and poison. They do not want the USDA personnel setting out land mines on their private or public lands. These traps set by the Wildlife Services are just as dangerous as the poison.

Dozens of people in the State of Oregon have come forward to tell of their tragic experiences with steel-jawed traps, leghold traps, neck snares, and Conibear traps.

A chief copetitioner of the Oregon ballot measure is Jennifer Kirkpatrick, from the rural community of Scappoose, who has the story of being in a stream and had the misfortune of having her hand caught in the vice-like grip of one of these traps, a device set out in the water to crush the vertebrae of beaver, muskrat, or otter that swims into it. She indicated it was the most excruciating pain she had ever endured.

Because the trap was so large and powerful, she could not free her hand, with the trap crushing it. I think we can all imagine a car door slammed on our hand. She had to walk a quarter mile to her car and then drive several miles to a neighbor's home. The neighbor struggled 15 minutes to pry open that trap. She experienced a near complete loss of the use of her hand for 9 years. And being a seamstress, she was out of work and feared that her career would be over.

No place in Oregon, nor any other place in the West, is a logical area for the widespread use of these horrific traps and poisons at taxpayer expense. This amendment helps correct the problem. It does not stop private individuals who want to protect their livestock as they see fit. It simply requires the ranchers to assume the responsibility if they want to use these lethal weapons. I strongly urge approval of the amendment.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman

from New Mexico (Mr. SKEEN) that the Committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DEUTSCH. Mr. Chairman, 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.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent to withdraw the request.

The CHAIRMAN. Without objection, the motion to rise is withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) controls 11 minutes and the gentleman from Oregon (Mr. DEFazio) controls 7 minutes.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in strong opposition to the DeFazio amendment again this year, and for the basic same reasons we have in the past. There is a lot of misinformation about what this amendment does and does not do.

And I concede the point to the gentleman, and all of those who are proposing this amendment, that they are opposed to killing of wolves and coyotes and other animals that do great damage to American agriculture. I concede that point. But from the standpoint of what this amendment does, I think it is important to understand, first off, that the Wildlife Services program is a highly specialized organization within the United States Department of Agriculture's Animal and Plant Health Inspection Service. Wildlife Services uses, uses now, contrary to the previous Speaker, integrated wildlife management techniques and strategies to minimize the negative impacts of wildlife on livestock and crops, human health and safety, property, and threatened and endangered species.

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If this amendment were to pass, the \$7 million, the DeFazio amendment would redirect the \$10 million in additional funds by prohibiting their use for livestock protection programs. Because of the cooperative nature of this program, a \$7 million cut and a redirection of funds actually results in a total loss in the program of \$23.7 million.

Now, this also will knock out \$2 million of the bill's appropriated funds to increase wildlife services that will be dealing with the rabies control program and collaborations. The DeFazio amendment would not only cause a loss of \$2 million for this important program, but would also cause an additional loss of cooperative money by local sponsors.

The funding for these wildlife professionals provides the basis that allows

the State to devote funds for permanent personnel to perform all of the duties of animal control. By limiting the duties that wildlife professionals perform, we undermine the entire program.

Please oppose this misguided amendment.

Mr. DEFazio. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the DeFazio-Bass-Morella amendment. What this amendment does is it would simply cut \$7 million from the Department of Agriculture's Wildlife Services program, which would bring their budget to \$28.7 million, as requested by the administration.

Wildlife Services spends millions of dollars annually to kill more than 100,000 coyotes, foxes, bears, mountain lions, and other predators in the Western United States. Although non-lethal alternatives do exist, Wildlife Services chooses to shoot, poison, trap and even club to death both target and non-target animals.

This is a taxpayer subsidy, as has been mentioned; and this taxpayer subsidy gives ranchers a disincentive to seek alternative methods of livestock protection that might be far more effective.

The USDA predator control methods are non-selective, they are inefficient, they are inhumane. Aerial gunning, sodium cyanide poisoning, steel-jawed leghold traps and neck snares are all common methods used by Wildlife Services. These techniques have been known to kill pets, as well as endangered and threatened species. Much of the killing is conducted before livestock is released into an area, with the expectation that predators will become a problem. However, killing wildlife to protect livestock is effective only if the individual animals who attack livestock are removed. Targeting the entire population is needlessly cruel, it wastes taxpayer dollars, and it can be counterproductive.

With this amendment, the Wildlife Services program could leave intact the research, education, and exchange of new information on wildlife damage management and non-lethal methods. Programs would also be funded to assist with non-lethal predator protection services and in cases to protect human and endangered species lives.

Reducing the proposed budget of Wildlife Services to the administration's request would send the message, would send the message, that efforts must be made to implement humane methods of protecting livestock. I urge my colleagues to support this amendment.

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

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, my colleague from Texas earlier

used a little better quality shot of this. My colleague from Maryland who just spoke talked about how we need more humane protection of livestock. Let me tell the gentlewoman from Maryland about this picture. Let me tell about this picture.

Twenty-eight sheep were killed in one night by cougars. There were guard dogs, four of them, guarding these sheep. There were sheep herders on site when Sky Crebbs, a rancher in my district, ended up with this kill. This photo is so gruesome, I covered these up. My colleague from Texas did not do that. But it is so gruesome, I covered them up.

This is not unusual. I want to enter into the record, Mr. Chairman, a letter from Phil Ward, who is the head of the Oregon Department of Agriculture. It says: "According to a recent survey conducted by the Oregon Agricultural Statistics Service, more than \$158 million of annual damage to Oregon agricultural products occurs from wildlife."

All across my district, Mr. Speaker, we are seeing more and more incidents of predator problems: 144 pets were killed in Oregon in 1997, 165 in 1998, and 203 in 1999.

Let me share with you some headlines out of our local newspapers: "Agents track cougar that tussled with man."

"Cougar attacks and kills colt. Upset rancher threatens suit."

"Cougars come home to town."

"Calls from residents rise as the once elusive cat grows."

"Annie Hoyer figured raccoons had gotten into an attached shed last spring when a banging against the side of the house woke her early one morning. But that afternoon she found the eviscerated carcass of a deer in her backyard. 'It must have been about how farmers feel when they find a mutilated cow and blame it on aliens,' she said."

"Cougar shot in La Grande neighborhood."

"Cougar seen in Ashland still around."

"Elk herds continue nose-dive because of predators."

"USDA employee kills big cougar out at Cottage Grove." My friend and colleague from the fourth district may be interested in this one: "A 7-foot 5½ inch male weighing 135 pounds was tracked down and shot after it killed its 30th sheep on a ranch near Elkton."

This is a serious problem if you are in a rural district like mine, with 70,000 square miles. Part of the problem is the Federal Government is the landlord of over half that land.

So I believe these people, who pay taxes and farm and ranch in this country, have the right to expect that the neighbor, the Federal Government on over 55 percent of the land, has an obligation to help manage this.

That is why, with predators on the rise, we should not be cutting funds. We should be using as many non-lethal

efforts as possible, but that is not always possible. When you get a 7-foot cougar that has killed its 30th lamb, it is time for action before it kills a person.

Mr. Chairman, I include the letter referred to above for the RECORD.

DEPARTMENT OF AGRICULTURE,  
Salem, OR, May 19, 2000.

Hon. JOE SKEEN,  
Chairman, Committee on Appropriations, Washington, DC.

DEAR CONGRESSMAN SKEEN: Early next week the House of Representatives will vote on appropriations for the U.S. Department of Agriculture and related agencies.

I urge your support for full funding of the USDA-APHIS Wildlife Services programs. The Oregon Department of Agriculture works in cost-sharing and program relationships with USDA Wildlife Services to address the concerns of wildlife damage to agriculture crops in Oregon. Many producers also provide cost-share for the use of this program.

According to a recent survey conducted by the Oregon Agricultural Statistics Service, more than \$158 million of annual damage to Oregon agricultural products occurs from wildlife.

APHIS/Wildlife Services also provides services through cooperative agreements with thousands of entities nationwide, including state game and fish agencies, state departments of health, city and local governments, school districts, colleges, airports, the U.S. military, Indian tribes, National Wildlife Refuges, departments of transportation, homeowner associations, electrical companies and many other parties.

I strongly request that you oppose any reduction in funding, and fully support adequate increases for necessary staffing and program costs.

Sincerely,

PHILLIP C. WARD,  
Director.

STATE DEPARTMENT OF AGRICULTURE,  
Salem, Oregon, May 18-19, 2000.

BOARD OF AGRICULTURE OPPOSES ANY REDUCTION TO THE USDA-APHIS WILDLIFE SERVICES BUDGET

Whereas agriculture is a leading economic force in Oregon and the United States, and

Whereas the Wildlife Damage Survey identified in excess of \$158 million of annual damage to Oregon agricultural products, and

Whereas agricultural producers implement \$6 million of wildlife damage prevention efforts themselves and still require professional assistance from USDA-APHIS Wildlife Services, and

Whereas USDA-APHIS Wildlife Services delivers services to minimize the impact of wildlife damage which are vital to agriculture and to all segments of the population.

Be it resolved that the Oregon State Board of Agriculture opposes any reduction to the USDA-APHIS Wildlife Services budget.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 4½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 6 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, if I could inquire on the time, I yielded myself 3 minutes, the gentleman from Oregon (Mr. BLUMENAUER) 3 minutes, the gentleman from New Hampshire (Mr. BASS) 2 minutes, and the gentleman from Maryland (Mrs. MORELLA) 3 minutes.

How did we get that one-half minute in there?

The CHAIRMAN. The gentlewoman from Maryland (Mrs. MORELLA) did not consume the entire amount of time and yielded back one-half minute.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, this is an amendment where hopefully all of my colleagues will spend a little bit of time understanding the specifics of the amendment. It is an amendment which truly is very simple when we understand it and we look at the specifics of the amendment.

The specifics of the amendment deal with a corporate welfare program that exists in the United States of America as bad as any corporate welfare program that exists in this country. It specifically applies to ranchers, specifically to a function that there is no justifiable policy reason that taxpayers across this country should be subsidizing these ranchers. That is the program. That is what we are talking about.

We are not talking about whether or not coyotes should exist or whether or not ranchers should have the ability to do animal control. That is not what this amendment is about. What this amendment is about is taxpayer money being spent on a private function without a public purpose. That is what it is about, and that is why I urge the adoption of the amendment.

In a sort of Hobson effect, though, this is a program which is not even effective, which is one of the weird things about this; that there are in fact more effective ways to deal with animal control that have been done in many places without the use and the methods that are used by the Animal Damage Control program.

This is a program that the public holds in poor regard because it reflects a callous attitude and a waste of taxpayers' dollars. This program amounts to nothing more than corporate welfare. I urge the adoption of the amendment.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today in strong support of the amendment sponsored by the gentleman from Oregon to decrease funding by \$7 million for the Department of Agriculture's Wildlife Services program.

This program is costly, unnecessary, inhumane, dangerous and continues to expand eliminating any landowner incentive to control predators through other more cost-effective and humane measures.

The predator control program is not cost-effective and its funding has increased to almost \$10 million annually. Sheep and cattle killed by predators could be replaced at one-third the cost the government spends in trying to control predators. These predatory control methods are dangerous for the animals, but some of the forms of predatory control such as aerial gunning are also high risk to Wildlife Service employees. Since 1996, six employees have been killed in four helicopter and plane crashes, the most recent occurred on March 27, 2000.

Ranchers should be taking care of predator control problems themselves. This amendment would not prevent ranchers and farmers from doing so. Currently, because of the federal subsidy, ranchers are discouraged from using more effective, humane, less-costly, and non-lethal methods such as guard dogs, electric sound and light devices, or predator exclusion fencing. There is no incentive for ranchers to use these types of control methods because the government is paying to kill the wild animals which attack these farmers' livestock. I don't object to farmers and ranchers protecting their property but I do object to the federal government paying for it.

Again, this program is costly, unnecessary, inhumane, and dangerous. I urge the adoption of the amendment.

Mr. UDALL of Colorado. Mr. Chairman, I rise today in support of the DeFazio-Bass-Morella amendment to the Agriculture Appropriations bill.

While I know the Wildlife Services engage in a number of valuable programs to mitigate human-wildlife conflicts, such as the bird control program at Denver International Airport, I am troubled by the reckless and seemingly inhumane procedures undertaken by this agency.

The most disturbing, not to mention dangerous, Wildlife Services endeavor is the Aerial Hunting Campaign. Over the past 10 years, 31 people have been injured, 7 of them fatally, in Wildlife Services aircraft accidents. Low altitude, low speed flying in remote areas is invariably high risk. To me this seems like a hazardous and costly way to go about predator control. As if that was not enough, Aerial Gunning does not help reduce livestock losses because it does not target offending animals, predators that we know are feeding on livestock.

For my colleagues who are not swayed by the disturbing, twisted excesses of the Wildlife Services program, I encourage you to look at the flawed economics behind this program. For every dollar of reported livestock damage, the Wildlife Services spends three dollars in the West to fix the problem.

The DeFazio-Bass amendment offered today is less punitive than amendments offered in previous years. It allows the agency to retain adequate funding, but compels the program to use tax dollars to kill the public's wildlife through a subsidy for private ranchers.

I encourage my colleagues to support the amendment.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. Nussle, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

# LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4611, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 4461 in the Committee of the Whole pursuant to House Resolution 538, that no further amendments to the bill shall be in order except, one, pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; two, the following additional amendments, which shall be debatable for 10 minutes:

The amendments printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 9, 29, 32, 37, 48, 61 and 68.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

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

Ms. KAPTUR. Mr. Speaker, reserving the right to object, for the purpose of discussion, I want to just clarify, because we have some Members on this side who have brought amendments up just recently and we had not expected those. I wanted to make sure that those Members understood that under this unanimous consent agreement, which I will ultimately support, I do not believe that they would be able to bring their amendments up. I wanted to clarify that.

The only amendments that would be allowed would be those that have already been printed in the RECORD?

Mr. SKEEN. If the gentlewoman will yield, that is correct.

Ms. KAPTUR. And available to the committee?

Mr. SKEEN. That is correct.

Ms. KAPTUR. For example, we have a Member here who may want to be recognized at this point to ascertain whether her amendments would be in order under this unanimous consent agreement. I would not want to preclude the gentlewoman from being at least able to inquire as to whether those amendments would be allowed.

Ms. WATERS. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I would like to inquire as to whether or not the

three amendments that are being referenced are included in this group that is being agreed upon? These are three amendments that we had prepared. We did not realize that there would be perhaps a reduction or closing off of the opportunity to present amendments. I would certainly ask my colleagues to include these three amendments in this group.

Ms. KAPTUR. Mr. Speaker, reclaiming my time, I believe these would be the only three amendments on this side that currently are not allowed under the unanimous consent request. They all concern serious issues of civil rights and litigation related to that at the U.S. Department of Agriculture.

Mr. OBEY. Mr. Speaker, could I ask the gentleman from New Mexico (Chairman SKEEN) a question under the reservation of objection of the gentlewoman from Ohio? Could I ask whether or not, since it is my understanding that the amendments of the gentlewoman from California are subject to points of order, is it possible under the unanimous consent request that the gentleman is proposing, for those to be handled under the pro forma procedure laid out in the unanimous consent request?

Mr. SKEEN. If the gentlewoman will yield, yes.

Mr. OBEY. So the gentlewoman would be able to offer those amendments, even though they would be subject to a point of order? The gentlewoman cannot get a vote on the amendment, obviously, but we could strike the last word so that she can make the point that she wants on each of the three amendments?

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Mr. SKEEN. Mr. Speaker, I will move to strike the last word and then yield to the gentlewoman from California (Ms. WATERS) at the appropriate time.

Mr. OBEY. So the gentleman will rise to strike the last word and recognize the gentlewoman from California (Ms. WATERS)?

Mr. SKEEN. Mr. Speaker, that is correct.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman so much for that allowance. We realize it is in the nature of an unusual request, but we were unprepared as well until very recently. I also thank the gentlewoman from California (Ms. WATERS).

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

# AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 and rule