

Ms. KILPATRICK. Mr. Speaker, I inadvertently voted "yea" on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote "no." Please let the RECORD reflect my true intention and note this statement in the appropriate place in the CONGRESSIONAL RECORD.

### THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

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

### RECORDED VOTE

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 361, noes 51, not voting 22, as follows:

[Roll No. 98]

### AYES—361

Ackerman	Coyne	Green (WI)
Akin	Cramer	Grucci
Allen	Crenshaw	Gutierrez
Andrews	Crowley	Hall (OH)
Armey	Cubin	Hall (TX)
Baca	Culberson	Hansen
Bachus	Cummings	Harman
Baker	Cunningham	Hart
Baldacci	Davis (CA)	Hastings (WA)
Baldwin	Davis (FL)	Hayes
Barcia	Davis (IL)	Hayworth
Barr	Davis, Jo Ann	Herger
Barrett	Davis, Tom	Hill
Bartlett	Deal	Hilleary
Barton	DeGette	Hinchee
Bass	DeLauro	Hinojosa
Becerra	DeMint	Hobson
Bentsen	Deutsch	Hoefel
Bereuter	Diaz-Balart	Hoekstra
Berkley	Dicks	Holden
Berman	Dooley	Holt
Berry	Doolittle	Honda
Biggert	Doyle	Hooley
Bilirakis	Dreier	Horn
Bishop	Duncan	Hostettler
Blumenauer	Dunn	Houghton
Blunt	Edwards	Hoyer
Boehlert	Ehlers	Hulshof
Boehner	Ehrlich	Hunter
Bonilla	Emerson	Hyde
Bono	Engel	Inslee
Boozman	Eshoo	Isakson
Boswell	Etheridge	Israel
Boucher	Evans	Issa
Boyd	Everett	Istook
Brady (TX)	Farr	Jackson (IL)
Brown (OH)	Fattah	Jefferson
Brown (SC)	Ferguson	Jenkins
Bryant	Flake	John
Burr	Fletcher	Johnson (CT)
Burton	Foley	Johnson (IL)
Buyer	Forbes	Johnson, E. B.
Callahan	Ford	Johnson, Sam
Calvert	Frank	Jones (NC)
Camp	Frost	Kanjorski
Cannon	Galleghy	Kaptur
Cantor	Ganske	Keller
Capito	Gekas	Kelly
Capps	Gephardt	Kennedy (RI)
Cardin	Gibbons	Kerns
Carson (IN)	Gilchrest	Kildee
Castle	Gillmor	Kilpatrick
Chabot	Gilman	Kind (WI)
Chambliss	Gonzalez	King (NY)
Clay	Goode	Kingston
Coble	Goodlatte	Kirk
Collins	Gordon	Klecza
Combest	Goss	Knollenberg
Conyers	Graham	Kolbe
Cooksey	Granger	LaFalce
Cox	Graves	LaHood

Lampson	Ose	Sherwood
Langevin	Otter	Shimkus
Lantos	Owens	Shows
Larson (CT)	Oxley	Shuster
Latham	Pascarell	Simmons
Leach	Pastor	Simpson
Lee	Paul	Skeen
Levin	Payne	Skelton
Lewis (CA)	Pelosi	Slaughter
Lewis (KY)	Pence	Smith (NJ)
Linder	Peterson (PA)	Smith (TX)
Lipinski	Petri	Smith (WA)
Lofgren	Phelps	Snyder
Lowey	Pickering	Souder
Lucas (KY)	Pitts	Spratt
Lucas (OK)	Platts	Stark
Luther	Pombo	Stearns
Lynch	Pomeroy	Stenholm
Maloney (CT)	Portman	Stump
Maloney (NY)	Price (NC)	Sullivan
Manzullo	Putnam	Sununu
Markey	Quinn	Tancred
Mascara	Radanovich	Tanner
Matheson	Rahall	Tauscher
Matsui	Ramstad	Tauzin
McCarthy (MO)	Rangel	Taylor (NC)
McCarthy (NY)	Regula	Terry
McCollum	Rehberg	Thune
McCrery	Reyes	Thurman
McGovern	Reynolds	Tiahrt
McHugh	Riley	Tiberi
McInnis	Rivers	Tierney
McIntyre	Rodriguez	Toomey
McKeon	Roemer	Towns
McKinney	Rogers (KY)	Turner
Meehan	Rogers (MI)	Upton
Meeks (NY)	Rohrabacher	Velazquez
Mica	Ros-Lehtinen	Vitter
Millender-McDonald	Ross	Walden
Miller, Dan	Rothman	Walsh
Miller, Gary	Roukema	Wamp
Miller, Jeff	Roybal-Allard	Waters
Mink	Royce	Watkins (OK)
Mollohan	Ryan (WI)	Watson (CA)
Moran (KS)	Ryun (KS)	Watt (NC)
Moran (VA)	Sanchez	Watts (OK)
Morella	Sanders	Waxman
Murtha	Sandlin	Weiner
Myrick	Sawyer	Weldon (FL)
Nadler	Saxton	Weldon (PA)
Napolitano	Schiff	Wexler
Deal	Schrock	Whitfield
Ney	Scott	Wilson (NM)
Northup	Sensenbrenner	Wilson (SC)
Norwood	Serrano	Wolf
Nussle	Sessions	Woolsey
Obey	Shadegg	Wynn
Ortiz	Shaw	Young (AK)
Osborne	Shays	Young (FL)
	Sherman	

### NOES—51

Aderholt	Hefley	Peterson (MN)
Baird	Hilliard	Sabo
Blagojevich	Jackson-Lee	Schaffer
Bonior	(TX)	Schakowsky
Borski	Kennedy (MN)	Strickland
Brady (PA)	Kucinich	Stupak
Brown (FL)	Larsen (WA)	Sweeney
Capuano	Lewis (GA)	Taylor (MS)
Condit	LoBiondo	Thompson (CA)
Costello	McDermott	Thompson (MS)
Crane	McNulty	Udall (CO)
DeFazio	Meek (FL)	Udall (NM)
Delahunt	Menendez	Visclosky
English	Miller, George	Weller
Filner	Moore	Wicker
Fossella	Oberstar	Wu
Green (TX)	Olver	
Gutknecht	Pallone	

### NOT VOTING—22

Abercrombie	Doggett	Rush
Ballenger	Frelinghuysen	Smith (MI)
Carson (OK)	Greenwood	Solis
Clayton	Hastings (FL)	Thomas
Clement	Jones (OH)	Thornberry
Clayburn	LaTourette	Trafficant
DeLay	Nethercutt	
Dingell	Pryce (OH)	

□ 1402

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1403

### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. DOOLEY of California. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow.

The form of the motion is as follows:

Mr. DOOLEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed:

(1) to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

### PERMISSION FOR SPEAKER TO POSTPONE FURTHER CONSIDERATION OF MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent that during consideration of the motion to instruct offered by the gentleman from Michigan (Mr. SMITH), the Chair may postpone further consideration of the motion to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

### MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Arkansas (Mr. BERRY) will be recognized for 30 minutes each.

The Chair will also announce that at 2:45 we will conclude temporarily the business of the House. So if we are not finished, we will come back to it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to yield

half of my time to the gentleman from Michigan (Mr. BONIOR) for purposes of control.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are talking about this afternoon is should we have payment limitations on farm subsidy programs. We have a situation in law now that allows a loophole so there are no payment limitations in terms of price support programs. Just to be somewhat specific, we have loan deficiency payments, we have marketing loans, and there are limits on those marketing loans and those LDPs, loan deficiency payments.

However, once that maximum is reached, there is a loophole. There is an end run that can be achieved by farmers, and that is through the non-recourse loan where they can either forfeit the nonrecourse loan where they give the government possession of that particular crop and they keep the money. The money they keep is exactly the same subsidy benefit as they would have achieved through a marketing loan or a loan deficiency payment.

So what we have ended up with is many farmers getting millions of dollars in payments, and let me say why I think this is so important that we have some limit on these payments. This is doing farmers ill-will throughout the United States. We have had a lot of publicity on these millionaire farmers getting all of this money from government subsidy programs. We have had all of this publicity on landowners getting subsidy payments, sometimes in the millions of dollars; and not only does that affect what happens to farm programs here at the Federal level, but it also affects the reaction of local municipalities when they are discussing property tax and State laws that might help farmers. There is a negative image because of the publicity and because of the fact that a lot of these huge landowners and megafarms are getting megabucks.

With that, Mr. Speaker, I would strongly suggest that we move ahead and unanimously support this motion to instruct that says we should go ahead with the Senate version of payment limitations in their part A of the bill, and that we should use some of that money for expanding agricultural research programs and increasing conservation programs.

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

Mr. BERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I particularly appreciate one more opportunity to come before this House and talk about the fabulous job that the American farm does every day and has done since the beginning of this great Nation. I am always

amazed and surprised at the people that some way or other have gotten the idea that the best way to keep the American farmer down on the farm is to starve him to death.

I hear people come to the floor and talk about millionaire farmers. I see these stories in the paper that talk about all of the payments that these farmers get, and I am intimately familiar with some of these situations. These stories are simply not true. They have payment limits imposed on them, and they comply with the payment limits. In the end what happens is under the current system the American farmer is the most productive, the most incredible production machine that there has ever been in the history of the world.

At the same time, for good reasons I am sure that the Members that are proposing that this amendment be accepted and that this instruction be made, they have good intentions. They mean well. They think that they are doing the right thing. They just simply do not understand what it takes to produce the food and fiber for this country, and a good portion of the rest of the world.

If our farmers are taking advantage of the farm programs as they exist today and as they have been proposed by the House of Representatives in the bill that we passed, if they are doing such a terrible job of taking advantage of the U.S. Government, why are they going broke every day? Why does every farmer in the First Congressional District feel like they are just about to lose everything they have? Why does no one want to get into the business? Why do the children not want to get into the business? The list of things that indicate that American agriculture is threatened and our ability to feed this Nation and to clothe this Nation without importing monstrous amounts of food and fiber, why is that threatened if things are going so well and these farmers are being so well taken care of by the government?

Another problem that I have with this motion to instruct, Mr. Speaker, is that it is an obvious attack on women. It would provide that a woman could only draw a small fraction of what a payment limit is, but a man can draw a lot more. Over four times as much. That is just simply unfair.

I cannot imagine that this House or this Congress would be willing to promote such an idea and take advantage of the great women that have worked right along with their husbands to build American agriculture into what it is today. That is something that I find absolutely offensive, and I cannot believe that we would disenfranchise one more time in this country the American woman that has worked so hard on the family farm.

It creates a situation where a family would be better off if a man and wife were divorced. It would put people in a position where they would have to make that decision. All of these things

are part of what is bad about this bill. I urge this House to think about it very carefully.

Mr. Speaker, we talk a lot today about national security. Over and over, every day we hear about national security on this House floor, in the Senate, from the White House. All of the media is full of national security issues. We all are very aware of the problem we have because we have to import too much oil from offshore.

We are in danger of creating that same situation if we allow this motion to instruct to become part of the farm bill. We are creating a situation where the American farmer simply could not have the safety net they need to stay in production in times like this when prices are low, the value of the dollar is so high that they are almost held out of the export market.

Mr. Speaker, I urge Members to vote "no" on this motion to instruct.

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

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for raising this important issue today. I appreciate his leadership on this, as well as those who worked very hard on this last fall: the gentleman from Wisconsin (Mr. KIND), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Maryland (Mr. GILCREST).

The problem with this farm bill is that it would reward the largest corporate farmers with \$120 billion in Federal handouts; yet it will provide less than a third of that for conservation.

Now, back in 1930, 70 percent of Federal support for agriculture went to conservation because we realized we were losing our topsoil and our prime agricultural land. Today's threats are no less real than when there were dust storms. The threats today of overdevelopment and sprawl are real. In Michigan, we continue to lose 68 square miles of prime agricultural land every year. That is the size of two townships in our State. We are going to lose our agricultural base at this rate. Large unchecked combine animal feeding operations in the southwestern part of our State are raising serious environmental health and safety concerns. Sediment from agriculture is a major source of pathogens and other contaminants in our drinking water.

All we have to do is remember what happened a few years ago in Milwaukee, Wisconsin, where pathogens got into the drinking water; 104 people died in Milwaukee, Wisconsin, as a result of that. The system that we live in in the Great Lakes cannot take it; but it is not too late to turn this around.

We can keep our family farmers in business and protect our water and our wildlife habitat and our environment. Voting for this motion to instruct will begin shifting our priorities and getting us moving in the right direction

again. Our motion will take some of the funds from commodity payments and funnel them into conservation programs and research.

If we take this simple step, we could help smaller family farmers keep their land in farming, and we can protect our environment at the same time. We need to put more money into farm land preservation programs. This will help States protect farm lands from overdevelopment. We need to provide financial incentives to finance purchasing development rights so that farmers can afford to keep their lands in agricultural production and not sell off to developers. We need to put funding into the wetlands reserve program to protect wildlife habitat, and ensure that wetlands are there to filter bacteria and pollutants long before they enter our lakes and rivers.

□ 1415

Mr. Speaker, they are the natural barriers of filtration. They are the filtration. We cannot build anything better than what nature gives us. It is in our own economic interest to encourage farmers to set aside these wetlands.

We need to put funding into the environmental quality incentive programs that help us protect our water quality from nitrates and pathogens. In our State, we use 250,000 tons of nitrate a year that run off our farms, into our waters, and cause algae and seaweeds to grow at such a rapid rate that it chokes off our canals, our lakes and our streams. And then we have the problem of pollution and trapping of sewage in our lakes and streams causing closings of businesses. We know the cycle there. Pathogens like cryptosporidium pose a human health risk and even can cause death, as I have mentioned in Milwaukee. So this is very serious stuff.

Providing farmers incentives to reduce their use of nitrates and use alternatives to pesticides are commonsense steps that we can take to protect our water quality and to protect our health. If we do not take these steps, Mr. Speaker, we are going to pay for them later. We will not have enough farmland to grow enough food to feed our population. We will have to increase costs for roads and sewers and police and fire protection in areas where growth and development occur. Our urban cores will continue to lose population and the tax base leading to an inability to fund adequate services.

You can see all of this happening and all of this coming. All you have got to do is open your eyes and look around and see all the big box department stores, the strip malls and the golf courses in our part of the State.

My wife and I did a walk around our district a few years ago. We were out in the country. I have a lot of agriculture in my district, Mr. Speaker, as does the gentleman from Michigan (Mr. SMITH). We stopped by a farmer working in the field just to chat with him. He was eat-

ing his lunch. He had an orange in his hand. He took that orange, he had his hand around it, and he said, "See where my thumbnail is around this orange? That's what's left of our prime agricultural land on the planet today." We are losing it at an alarming rate. We have got to get back to the conservation, to deal with the basic levels of conservation in order to preserve it for tomorrow.

I want to thank my colleague the gentleman from Michigan (Mr. SMITH) for introducing this motion to instruct. It is a very important motion. The Senate has acted, I think, quite well and honestly in moving in this direction. The House needs to do the same.

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

Mr. SMITH of Michigan. Mr. Speaker, I yield myself 35 seconds.

Let me react to the agricultural leader from Arkansas, that the people that are offering this amendment do not understand farm programs, and I would just suggest, I have been a farmer all my life, a director of the Michigan Farm Bureau. I understand farm programs. To respond to your question why are farmers going broke, it is because Federal agricultural programs encourage more production, and that more production comes from the largest farmers. This amendment helps the smaller farmer. It limits the amount of subsidies that can go to those huge megafarms.

Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE).

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

Mr. GANSKE. Mr. Speaker, I speak on behalf of the motion to instruct conferees on the section of the farm bill dealing with payment limitations. I commend the objectives of the Grassley amendment in the Senate and I believe we should encourage Members of the House serving on the farm bill conference to accept the language as it was adopted in the Senate version.

The Grassley amendment would place a cap of \$275,000 on the amount that could be received in Federal farm support payments in a year. This is in contrast to the House bill and the Senate bill as it was introduced. Both pieces of legislation would have actually increased the cap from the current level of \$460,000.

During the previous House debate on the farm bill, I did not support an amendment which dealt with only one aspect of the problem and which would have left the increase in the cap to \$550,000 intact. I believe, however, that the comprehensive approach of the Grassley amendment is a more balanced and fair way to address the growing problem.

I have on many occasions commended Chairman COMBEST and Ranking Member STENHOLM for the civil and nonpartisan fashion in which they have conducted their approach to the House farm bill. That has been in sharp con-

trast to the sometimes bitter process in the other body. However, in this instance, the Grassley amendment was passed with a bipartisan coalition of 66 Senators. I believe the provision would be a positive addition to the final farm bill product and in the best interests of Iowa farmers.

Mr. BERRY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I agree wholeheartedly with the gentleman from Michigan that there should be some reform of payment limitations. I do not think anyone disagrees with that. However, I do rise to oppose the motion.

I would like to point out to the gentleman from Michigan that the House version of the farm bill does increase conservation payments by 80 percent. EQIP, which addresses primarily clean water, clean air standards, is increased by 600 percent, from \$200 million to \$1.2 billion. Also, research is substantially increased, both versions, the House and the Senate. So I believe that those issues are being addressed.

What I would like to point out is that the House Committee on Agriculture went through a 2-year process in formulating this farm bill. They had 47 hearings all around the country. It was a bipartisan bill. It was passed by a large majority on the House floor, 291-120. The other body, I think, has worked hard but primarily has done a bill within the last couple of months. It has been somewhat of a rushed process, I think most people would agree, and so therefore I am a little bit reluctant to accept the other body's version without careful thought, without making sure we have really understood fully what the circumstances are and what the repercussions might be.

Currently the conferees are working hard. It is a complex issue. I am confident they will reform the payment limitation process. I would like to see them given the opportunity to work through the process. I think this is very important.

The Environmental Working Group and their Web site that oppose the payments that farmers have received I think has led to a great deal of misunderstanding throughout the country. We have seen editorials, we see public opinion and all of these things that seem to be very much against commodity payments. However, I would like to point out that the payments that are posted on those websites do not constitute profit. People see a \$500,000 payment and they assume that the person receives a \$500,000 profit. Many people that I know who are receiving fairly large payments are still operating in the red. In my area of the country, almost every farmer will tell you that without farm payments, they would go under very quickly. Bankers will tell you that. It is not just farmers. So it is important that this is something that we understand the nature of it. The Web site has been very

divisive. We lost 1,000 farmers in the State of Nebraska last year. So if it was such a windfall, it certainly would not reflect in that type of a figure, of 1,000 farmers in a relatively small State populationwise.

I would like to just amplify what the gentleman from Arkansas mentioned earlier, which I think a lot of people do not think about. In the European Union, the average payment to farmers is \$300 per acre. I have been to Brazil recently. Many people have who are interested in agriculture. You can buy very good agricultural land, equivalent to what we would pay \$3,000 an acre for, for \$100 to \$500 an acre. The labor cost over there is 50 cents an hour on the average. And so we are asking our farmers to compete with the European Union where the subsidy is \$300 per acre, we are asking them to compete with Brazil where the cost of land is very low, they can produce two crops, the topsoil is 50 feet deep and they have no labor cost and no environmental cost. So I am saying that the \$38 an acre that we have been paying our farmers is not badly spent.

The last thing I would mention was, I think, in some congruence with what the gentleman from Arkansas was mentioning. That is, that about 15 or 20 years ago, we found that we could buy petroleum from OPEC for \$10 a barrel. And so we were glad to oblige them. As a result, we have shipped our petroleum industry overseas. We quit exploring, we shut down much of our production, many of our refineries, and so now we find ourselves all of a sudden almost 60 percent dependent on foreign oil. We are in a situation where everyone realizes that all we have to do is light the tinderbox in the Middle East and we have got a real problem. We can do the same thing to agriculture. We can do it very easily. We can say we are going to just forget about these commodity payments, they are evil, they are large, only rich guys get them. Most of the people that I know are not rich people that are receiving these.

And so I am not arguing that we do not need reform. I agree totally that we do. I am just saying, let us take this thing and think it through. Let it go through the process and let us not just automatically accept the other body's view of what needs to happen because I have great confidence in the conferees that we have working at it right now.

Mr. SMITH of Michigan. Mr. Speaker, I would like to welcome to our Chamber Senator GRASSLEY. He is the sponsor of the Grassley-Dorgan amendment.

Mr. Speaker, I ask unanimous consent that his statement be inserted into the RECORD at this point in the testimony.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman should not refer to the presence of a Senator. House rules do not provide for a Senator's statement to be inserted in the RECORD except as authorized by clause 1 of rule XVII.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the statement be inserted under my name.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, with us is Senator CHUCK GRASSLEY of Iowa, one of the sponsors of the Senate payment limitation amendment. These are his comments during debate on the Senate bill amendments for payment limits to the largest farms.

Mr. President, I stand before you today to offer one the most important amendments for the family farmer we have ever considered. There have been a number of important amendments already considered during the farm bill debate, and a couple have been adopted, but if we are truly sincere about improving this farm bill for the family farmer we have a golden opportunity in front of us right now.

The farm bill reported by the Senate Agriculture Committee fails to adequately target assistance to family farmers and will disproportionately benefit our nation's largest farms. In fact, this farm bill unnecessarily increases the payment limitations established in the Freedom to Farm Act which allowed an individual to receive nearly a half million dollars through subsidy payments.

Moreover, the Committee bill fails to address the use of generic commodity certificates which allow farmers to circumvent payment limitations. In recent years, we have heard news reports about large corporate farms receiving millions of dollars in payments through the use of generic certificates. Generic certificates do not benefit family farmers but allow the largest farmers to receive unlimited payments.

I am pleased to join my colleagues, Senators Dorgan, Johnson, Hagel, Lugar, Fitzgerald, Ensign, Durbin, and Wellstone in support of this amendment to establish reasonable payment limitations. Our amendment would more effectively target the assistance provided by this legislation to small and medium-sized family farms.

Senator Dorgan and I have worked together to make this amendment what it is right now. Without Senator Dorgan's efforts we would not have the broad, bi-partisan coalition supporting this amendment we currently enjoy. I know how hard Senator Dorgan has worked in his own caucus to generate support for this vital issue and how crucial his input was in the drafting process and I appreciate his efforts.

With that said, let's talk about the specifics of the amendment. Our amendment would limit direct and counter-cyclical payments to \$75,000. It would limit gains from marketing loans and LDPs to \$150,000, and generic certificates would be included in this limit. The amendment would also establish a combined payment limitation of \$275,000 for a husband and wife.

Americans recognize the importance of the family farmer to our nation and the need to provide an adequate safety net for family farmers. In recent years however, assistance to farmers has come under increasing scrutiny. Critics of farm payments have argued that large corporate farms reap most of the benefits of these payments. This amendment will fix that problem.

In addition, we will apply the savings provided by this limitation against other significant problems our producers currently face plus agriculture research, crop insurance, Beginning Farmer Loans, and food stamps. In fact, we put a large share of the savings in the Food Stamp Program.

This amendment would increase Food Stamp spending by \$810 million over ten

years. The amendment would improve the current proposal to increase and improve the standard deduction, help provide more assistance to families that pay large portions of their income on rent and utilities and make it easier for more people to participate in food stamp employment and training program by lifting the cap on transportation reimbursements.

Senator Dorgan and I have chosen to spend a significant portion of the savings in this amendment on Food Stamp programs. We feel strongly that these dollars are well spent. For instance, we are trying to help low-income families by not making them choose between eating or paying the heat bill.

I know that this issue is very important for my colleagues from the Northeast, but this is an issue that all senators from seasonally cold weather areas should be concerned. Many low-income families spend large portions of their income on shelter expenses. As families struggle to pay for their housing, they will face problems paying for food, which can have an adverse effect on family members, health and children's development.

My amendment would eventually eliminate the arbitrary cap set on the shelter deduction which currently has the effect of treating some money that a family must spend on housing costs as available to meet its food needs. There isn't anyone that can say that we are not doing the right thing by fixing this problem. Even if the rest of this amendment wasn't as popular as it is, my colleagues should support it because of the inclusion of this provision.

We will also extend eligibility for Loan Deficiency Payments (LDP) to farmers who produce a contract commodity on a farm not covered by a Production Flexibility Contract (PFC). The Agricultural Risk Protection Act of 2000, which we passed into law last year, furnished LDPs to farmers who produced a 2000 crop contract commodity on a farm not covered by a PFC.

In Iowa there are 6200 farms that do not participate in the farm program. Non-participating farms are classified as farms not enrolled in 1996 at the beginning of the program, or farms that changed hands during the farm bill that were not properly re-enrolled.

Not all of the 6200 non-participating farms will choose to use and benefit from an LDP, but for the family farmers in Iowa who are not in the program, guaranteeing close to \$1.78 on corn and \$5.26 on soybeans is significant assistance.

With the record low prices Iowa producers have experienced recently, I think that the federal government should do everything it can to keep producers on the farm. This by no means solves all their problems, but it helps and it's something we should have done for these individuals on a permanent basis when we provided a one-year opportunity for participation in the LDP program last year.

In addition, we extend eligibility for LDPs to farmers who have lost beneficial interest in their commodity. We previously passed a similar one-year extension in the Agricultural Risk Protection Act. This is only meant to extend this opportunity until the 1996 farm bill comes to an end.

I would like to commend Senate Roberts for his leadership on this issue. In June, he introduced stand-alone legislation to address this issue and has clearly been the leading advocate on this issue in the Congress.

Mr. President, I will conclude my remarks by stating again that I feel strongly the Agriculture Committee bill fails to effectively address the issue of payment limitations. Therefore, I urge my colleagues to support this amendment which will help to restore

public respectability for federal farm assistance by targeting this assistance to those who need it the most.

This amendment has been endorsed by 35 groups. That list includes the California Institute for Rural Studies, California Sustainable Agriculture Working Group, Center for Rural Affairs, Church Women United (NYS), Community Alliance with Family Farmers (CA), Community Food Security Coalition, Environmental Working Group, Evangelical Lutheran Church in America, Illinois Stewardship Alliance and the Kansas Rural Center.

Land Stewardship Project (based in Minnesota), Michael Fields Agricultural Institute (WI), Michigan Agricultural Stewardship Association, Michigan Integrated Food and Farming Systems, Minnesota Project, National Family Farm Coalition, National Farmers Union, National Grange, National Campaign for Sustainable Agriculture and the National Catholic Rural Life Conference.

NOFA—NY, North Dakota Council of Churches (Rural Life Committee), Northern Plains Sustainable Agriculture Society, Ohio Citizen Action, Ohio Ecological Farm and Food Association, Rural Advancement Foundation International (USA), Rural Coalition, Rural Roots (ID), Sustainable Agriculture Coalition and the Union of Concerned Scientists.

United Methodist Church (General Board of Church and Society), Washington Sustainable Food and Farming Network, Washington Tilth Producers, Western Sustainable Agriculture Working Group, Center on Budget and Policy Priorities, America's Second Harvest, Food Research and Action Center and Bread for the World.

This is no time to be making backroom deals or playing games. This is going to be our one shot at this issue and we all know it. Look at what we have already accomplished on the Feingold/Grassley amendment limiting mandatory arbitration and the Johnson/Grassley amendment banning packer ownership. Senators Feingold and Johnson knew those were important issues to family farmers and helped me to offer amendments in a bipartisan fashion.

It's time to do the right thing again, support payment limitations and support the family farmer. Help Senator Dorgan and I restore integrity to the programs, reduce pressure on rents and land prices, dampen overproduction, raise farm income, and help maintain family farms and the culture that surrounds our rural communities. In addition, we will be funding additional nutrition crop insurance research and development, and ag.

Mr. BONIOR. Mr. Speaker, I also would like to welcome the distinguished gentleman from Iowa whom I had occasion to serve with in this body and appreciate all his good works.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in allowing me to speak on this motion.

Mr. Speaker, it is hard to imagine anyplace outside of the Beltway where having a subsidy of \$275,000 limit is starving people to death. Yes, it is possible that people in this current system are involved with slowly spiraling down into greater and greater debt. Overproduction, my colleague from Michigan talked about that, where we are encouraging people to plant crops, overproduce, driving down the cost and leaving the problem either for the indi-

vidual to bear the burden or for the taxpayer. There is a better way.

There is the opportunity here with this motion to instruct for us to be able to deal with how we spend the money more wisely. There is no reason that we cannot help producers around the country do things that will make a difference to help them stay in business. It is expensive to be able to comply with water quality, to be able to change some agricultural practices. There are people that are being driven around the country into subdividing farms because of market pressures. We can have money for conservation payments, for purchase of development rights, to be able to help them stay in business.

The current system, with its lavish spending, is not stopping the loss of farms. We just heard in Nebraska, a thousand farms went out of the hands of family farmers. We are having a system now without the limitation that it drives the incentives toward larger and larger activities, more and more overproduction for a few commodities, and then in my State where there are row crops, where there are specialty crops that do not get the help, there are people that are literally bulldozing orchards because they cannot afford to maintain it. This is goofy.

We should go along with this motion to instruct to be able to have the support for the Senate efforts for conservation. Remember, on this floor earlier, my colleague from Wisconsin, there was a broad cross-section, the gentleman from Maryland (Mr. GILCHREST) and others, had a strong showing, there is a strong basis of support for increasing conservation payments, limiting commodity. It narrowly was defeated here. It was passed in the Senate. That is no justification for the conferees to dramatically cut back on conservation payments.

What we are going to face here as we continue to have celebrity farmers from Beverly Hills to Houston to Denver in the last 5 years got over a half billion dollars, we can crank down on that. We have the wherewithal to be able to limit payments to families. We do not have to be discriminating against one sex or the other. We can make sure that we are going to be able to have the help to the people who need it the most. But \$17.1 billion for conservation programs means that people are going to be lining up, they are not going to get the money that they want, we are still going to lose family farms, and the taxpayer will pay the bill.

Mr. SMITH of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time. It is interesting to hear this debate, to hear the other side say, "Well, nobody's getting payments over \$275,000. That's just a myth. That's just something we hear out there that's in the press. Nobody really does that."

If that is the case, then why oppose this motion? I commend the gentleman

for bringing it forward. In my view, we ought to get back to the Freedom to Farm Act of 1996. We ought to be moving in the other direction. That is my position. But this motion makes what I believe is an obscene farm bill just a little more palatable. I would urge support of it and encourage the other side, hey, if it is true that nobody is receiving these payments, that if Scottie Pippen who makes \$18 million a year posting up for the Portland Trail Blazers is not making another \$150,000 digging postholes apparently around his Arkansas farm, if that is not the case, then, hey, support the motion.

□ 1430

It is not going to hurt anybody. But if it is the case, then, by golly, we ought to put a stop to it. With that, I urge support for the motion.

Mr. BERRY. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Arizona.

This particular motion to instruct would actually help the Scottie Pippens of the world. It would add more money to that program.

I would also add at this particular time, I stand by my statement that the people that support this motion to instruct do not understand agriculture and the high-technology business that it is today. It will be a long time before anybody can positively change my mind on that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Arkansas for yielding me time.

Mr. Speaker, I rise today to oppose this motion to instruct. This same motion, as a resolution, was voted down by a vote of 238 to 187 simply under a different name. Here we go again.

Our farm families need a new farm bill. I am a member of the Committee on Agriculture. I come from a district in south Arkansas where agriculture is a huge part of our economy, and I can tell you that our farmers need a new farm bill. They do not need it today, they do not need it tomorrow, they needed it last year. And this body in this very Chamber approved a good farm bill last year. Now it is stuck in conference, gutted with amendments that will totally destroy farming in America and farming in Arkansas as we know it today.

We already have payment limits. And for the gentleman that mentioned we need to go back to the days of the Freedom to Farm bill, that is what we are living under now; and we have fewer farm families today than ever before.

It is pretty obvious to me that the majority of those who passed Freedom to Farm simply did not get it; they did not understand farming in rural America. In fact, it should have been renamed, Freedom to Fail, because that is exactly what has happened. We have lost many good farm families because

of that so-called Freedom to Farm bill passed back in 1996. It was so horrible, that is why we are here 1 year early trying to pass a new farm bill.

We already have payment limits. Our farm families are also small business owners, and they make decisions based on land, crops, equipment, loans, employees, based on the current payment limits, based on the farm bill. To change those rules for them will require many of them to file bankruptcy, laying off 10 or 12 employees.

I recently was at the annual Watson Fish Fry in Watson, Arkansas; and a gentleman came up to me, a grown man, with tears in his eyes, as he talked to me about how, just that morning, he had filed bankruptcy and laid off 10 employees, eight of whom had been working for him for over 20 years.

Mr. Speaker, we have a farm crisis in America.

I recently called another farm family to tell them I was sorry to learn that they were forced to sell; and when I reached the gentleman, guess where he was? He was at another farm family's auction, and that was the morning after the Senate amendment was put on the farm bill reducing payment limits. And guess what? Overnight the price of farm equipment at auctions dropped 35 percent.

I was not real good at math, and you do not have to be to understand this: our farm families used to get \$8.50 a bushel for rice. Today they are getting \$1.50. Cotton, it costs them 60 cents to grow it. If they are getting 30 cents today, they are doing good.

Our farmers do not want to be welfare farmers. They do not want to be insurance farmers. They simply need a basic safety net to help them survive when market prices are down and when our government does crazy things like imposing sanctions and embargoes on them.

The sanctions and embargoes against Cuba, that happened the year I was born, 40 years ago. Cuba is still getting rice. They are just not getting it from Arkansas farmers; they are not getting it from American farmers. They are getting it from China. They want to buy our rice. They can get it in 4 days as opposed to a month.

Our government does have a duty and an obligation and a responsibility to these farm families to assist them when market prices are down, when we are using them as a weapon. We have a strong defense in this country, and we need to make it stronger. We have watched what the military might of this country can do in Afghanistan and around the world. When we want to punish someone, let us help them using our military, but let us stop turning our farm families and their crops into a weapon.

The issue of payment limits, let me tell you that if you take a look at it and you hear the talk that, well, we need to reduce payment limits so we will quit overproducing, I cannot believe that

anyone would think that we are overproducing in a world where people go to bed every single night hungry. People are starving to death.

We need fair trade. We need to remove sanctions and embargoes. We need to open up these markets. If we do that, we will not be overproducing; and if we do that, the prices will go back up at the market, and these farm families will not need our help. But as long as we stand in their way of doing what they do best, and that is feed America and feed much of the world, then, yes, they need our help, they need a new farm bill. They do not need this motion to instruct.

Mr. BONIOR. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who has been a great leader on this issue.

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

Mr. KIND. Mr. Speaker, I thank my friend from Michigan for yielding me this time and the leadership he has shown on this issue, as well as my friend, the gentleman from Michigan (Mr. SMITH), for the courage to bring this motion forward.

I along with Representatives BOEHLERT, DINGELL and GILCHREST, helped assemble a coalition last fall, Mr. Speaker, a bipartisan coalition, an urban-suburban-rural coalition, offering to do basically what this motion to instruct suggests, and that is taking a look at the current subsidy program, the income support program that exists in this country, and seeing if there was a way of moving some of the subsidy payments from the biggest of the big producers in this country, the upper 2 percent, over 97 percent of the farmers in this country would not have been affected by the conservation title amendment that many of us offered last fall, and see if we can move some of these limited, precious resources into other areas to benefit all family farmers in all regions of the country.

It did pull up a little bit short. We had 200 votes. Nevertheless, I think it was a strong showing of the need for this type of new approach in agriculture policy.

This motion today is about developing a sensible and sustainable farm policy for all of our family farmers, but also for our communities. This motion is not about attacking family farmers. This motion is not about attacking the women in this country. It is about good economic policy, because right now we are operating under a perverse economic farm policy, one that pays more money to big producers based on how many acres they plant and how much they produce in a certain category of crops.

This distorts the marketplace. This encourages production, not based on market price and what the market can bear, but, rather, based on the government paycheck. And we are seeing this across the country throughout all of our districts.

I still have roughly 10,500 family farms in my congressional district alone in the State of Wisconsin. We have roughly 60,000 family farms in Wisconsin. This motion to instruct would affect 14 farms in my State; and yet, because of the way the farm bills in the past have been produced, where 90 percent of farm bill funding goes to a few producers, producing the, quote-unquote, "right commodity crop," it distorts the marketplace. It encourages overproduction and oversupply, and then a plummeting of commodity prices as we have seen over the last few years, and then either farmers having to file bankruptcy and forced out of business, or for there to be farm relief bills, multi-billion farm relief bills coming before Congress every year to do something about it.

I would submit that a farm policy that only provides income support payment to just 30 percent of the farmers and misses 70 percent of the rest of the producers we have in this country is no safety net at all.

This motion really gets to the fairness issue of what we can do with the limited resources we can devote to help our farmers in this country, but in a fair and equitable manner, so all of our family farms in all regions of the country can participate.

A great State like California, the largest agriculture-producing State in the Nation, and if it was a separate country would be one of the top producing countries in the world in agriculture, gets 3 cents on the dollar because they are not producing the right crop in California.

What would this motion to instruct do? It would take the savings between the 275,000 cap, as we are recommending, from the \$550,000 that passed out of the House, and apply those resources in voluntary and incentive-based conservation programs so we can not only provide economic assistance to family farmers who want to participate, but also encourage better watershed management, quality drinking supplies and the protection of wildlife and fish habitat.

Anyone who does not think that sound, sustainable conservation practices should not be a major part of farm policy in the 21st century has not been looking at the type of issues I have seen in regards to quality water issues, which is going to be one of the predominant issues facing this Nation in the next 100 years. There is a way for us to be able to assist in that great endeavor, in that great challenge that we all face.

The other part of the motion would devote resources to important agriculture research programs so we can talk about value added and creating wealth within the agriculture industry, rather than the proposed 40 percent cut in agriculture research spending that is currently being proposed in the conference committee.

So, again, I commend my friend, the gentleman from Michigan (Mr. SMITH);



my friend, the gentleman from Michigan (Mr. BONIOR), for offering this motion to instruct; and I would recommend to my colleagues to support this motion and send a message to the conferees that this is the direction we need to move in in farm policy in our Nation.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the gentleman from Michigan (Mr. SMITH) has 9½ minutes remaining, the gentleman from Michigan (Mr. BONIOR) has 2 minutes remaining, and the gentleman from Arkansas (Mr. BERRY) has 14½ minutes remaining; and that pursuant to the previous order of the House of today, further proceedings on this motion are postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1711

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HART) at 5 o'clock and 11 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 580, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107-412) on the resolution (H. Res. 390) providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BACA. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct the conferees on H.R. 2646. The form of the motion is as follows:

Mr. BACA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2646, an Act to provide for continuation of agricultural programs through fiscal year 2011, be instructed to agree to provisions contained in section 452 of the Senate

amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. The pending business is the further consideration of the motion to instruct conferees on the bill, H.R. 2646, offered by the gentleman from Michigan (Mr. SMITH).

The Clerk will rereport the motion.

The Clerk read as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and

(2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Michigan (Mr. SMITH) had 9½ minutes remaining; the gentleman from Arkansas (Mr. BERRY) had 14½ minutes remaining; and the gentleman from Michigan (Mr. BONIOR) had 2 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that the time of the gentleman from Michigan (Mr. BONIOR) be returned to my time to be yielded to the gentleman from New York (Mr. HINCHEY) upon his arrival.

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

There was no objection.

□ 1715

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Just to review from where we were an hour ago, I think it should be made clear to all of our colleagues and the American public that the purpose of subsidies since the beginning, since back in the 1930s when we tried to make sure that the agricultural industry was going to survive, the purpose has been to protect family farmers. Unfortunately, over the years, we have had programs that made it tough for any farmer to survive, because part of the farm policy in this country has been to encourage a little more production than what we need.

The effect of that increased production a little over and above the current market demand meant that prices tended to stay down. So there was an attempt, of course, to keep those prices

somewhat low for consumers and what happened in the evolution and the pressures that were put on farms in the United States over these years was that the small farmer was backed up against the wall, the medium-sized farmer felt like if he added a few more acres, then he might be able to send his kids to the same music lessons and schools and have the same benefits as their country cousins, so that medium-sized farmer said, "Look, well, I'll buy some more land, I'll spend a couple of hours extra a day and try to make it."

What we have done is had programs that encouraged larger and larger farms. That is part of the reason that we have this motion to instruct today, is to give a little greater relative advantage to the smaller farms by, in effect, saying all of your production is going to be eligible for the price support payments that we have in farm programs.

Where the big, larger farms, the very big farms, we are saying, there is going to be a limit to how much of your commodity that you produce that is going to be eligible for this price protection. Therefore, it is going to have the effect on these larger farmers to think twice about what the market price is going to be if there is no support subsidy price.

The gentleman from Arkansas (Mr. BERRY) and I, we both want to have a situation where we expand markets, where we have better farm prices and hopefully the kind of farm prices that the support payments that are guaranteed in this farm bill will not even be applicable because that is what we are looking at, is better farm commodity prices to keep more farmers in business.

Unfortunately, today about 82 percent of all of our farm subsidies go to just 17 percent of the farms. By providing unlimited subsidies, we have encouraged huge corporate farm operations to get bigger and bigger, squeezing out family farmers. With this we have encouraged excess production that has tended to reduce prices paid to farmers.

That is why I think it is so important that we have some kind of price limit, that somehow, someday, someplace, whether it is a limit of \$275,000 as suggested by the Senate or maybe a half a million, but it is bad for farmers, it is bad for the support they get from the American people to have these exorbitant millions of dollars given to some of these megafarm operations.

Madam Speaker, I reserve the balance of my time.

Mr. BERRY. Madam Speaker, I yield myself such time as I may consume. Once again, I want to say how much I appreciate the opportunity to stand before this House and proclaim what a wonderful job and what an extraordinary thing the American farmer is. I know the gentleman from Michigan is a good fellow. I know he means well. He does not intend to hurt anyone. And I have great respect for him. Unfortunately, I would have to say that he just