

outsourcing, which shall be debatable for 20 minutes;

An amendment offered by the gentleman from California (Mr. BACA) regarding Office of Assistant Secretary For Civil Rights;

An amendment by the gentleman from Washington (Mr. BAIRD) regarding livestock compensation;

An amendment by the gentleman from Ohio (Mr. BROWN) regarding fluoroquinolone;

An amendment by the gentleman from New York (Mr. HINCHEY) regarding FDA, which shall be debatable for 20 minutes;

An amendment by the gentlewoman from New York (Mrs. MALONEY) regarding contraceptives, which shall be debatable for 40 minutes;

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding information technology systems;

An amendment by the gentleman from Wisconsin (Mr. OBEY) regarding circular A-76;

An amendment by the gentleman from Arizona (Mr. FLAKE) regarding tobacco, which shall be debatable for 40 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) regarding agriculture tourism, which shall be debatable for 14 minutes; and

An amendment by the gentleman from Colorado (Mr. TANCREDO) regarding food stamps, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, 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.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. GOODLATTE. Mr. Speaker, I reserve the right to object.

#### PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GOODLATTE. Am I correct that this unanimous consent request would not impair the right of any Member to raise a point of order against authorizing language in the bill?

The SPEAKER pro tempore. As the Chair understands the proposed order; points of order against amendments are not waived, and points of order against provisions of the bill left unprotected by House Resolution 710 still could be made.

Mr. GOODLATTE. With that understanding, Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

#### AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 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. 4766.

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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. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today the bill had been read through page 44, line 11.

Pursuant to the order of the House of today, the bill is considered as read and open for amendment at any point.

The text of the remainder of H.R. 4766 is as follows:

#### RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$23,500,000, of which \$2,500,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$1,500,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority; and of which not to exceed \$15,500,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 6401 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note).

#### RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, \$11,419,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277): *Provided*, That of the funds appropriated, \$1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106-554).

#### RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same

terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), \$15,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### RURAL UTILITIES SERVICE

#### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$120,000,000; municipal rate rural electric loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$2,100,000,000; Treasury rate direct electric loans, \$1,000,000,000; guaranteed underwriting loans pursuant to section 313A, \$1,000,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$125,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, \$5,058,000, and the cost of telecommunications loans, \$100,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$38,323,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### RURAL TELEPHONE BANK PROGRAM ACCOUNT

#### (INCLUDING TRANSFER OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2005 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For administrative expenses, including audits, necessary to carry out the loan programs, \$3,152,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of direct distance learning and telemedicine loans, \$50,000,000; and for the principal amount of direct broadband telecommunication loans, \$464,038,000.

For the cost of direct loans and grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$25,710,000, to remain available until expended, of which \$710,000 shall be for direct loans: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., \$9,884,000: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the

cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$9,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

#### TITLE IV

##### DOMESTIC FOOD PROGRAMS

###### OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$595,000.

##### FOOD AND NUTRITION SERVICE

###### CHILD NUTRITION PROGRAMS

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$11,380,557,000, to remain available through September 30, 2006, of which \$6,227,595,000 is hereby appropriated and \$5,152,962,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That up to \$5,235,000 shall be available for independent verification of school food service claims.

###### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,907,250,000, to remain available through September 30, 2006: *Provided*, That of the total amount available, the Secretary shall obligate not less than \$15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, \$14,000,000 shall be available for the purposes specified in section 17(h)(10)(B): *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

##### FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$33,635,798,000, of which \$3,000,000,000 to remain available through September 30, 2006, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section

4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed \$4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

##### COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; and special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$178,797,000, to remain available through September 30, 2006: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

##### NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, \$133,742,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That none of the funds made available under this heading may be used to pay the salaries and expenses of employees of the Food and Nutrition Service to review, evaluate, or approve State Plans under the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) that provide for vendors to operate stores that cater only to WIC participants if these type stores did not operate in that State prior to fiscal year 2005.

#### TITLE V

##### FOREIGN ASSISTANCE AND RELATED PROGRAMS

##### FOREIGN AGRICULTURAL SERVICE

###### SALARIES AND EXPENSES

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761-1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$137,722,000: *Provided*, That the Service may utilize advances of funds, or reimburse this

appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

##### PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, \$86,420,000, to remain available until expended: *Provided*, That the Secretary of Agriculture may implement a commodity monetization program under existing provisions of the Food for Progress Act of 1985 to provide no less than \$5,000,000 in local-currency funding support for rural electrification development overseas.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83-480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83-480 are utilized, \$2,371,000, of which \$1,102,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,269,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

##### PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

###### (INCLUDING TRANSFER OF FUNDS)

For ocean freight differential costs for the shipment of agricultural commodities under title I of the Agricultural Trade Development and Assistance Act of 1954 and under the Food for Progress Act of 1985, \$22,723,000, to remain available until expended: *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

##### PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,180,002,000, to remain available until expended.

##### COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$4,473,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,440,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$1,033,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

##### McGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7

U.S.C. 1736o-1), \$75,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

#### TITLE VI

#### RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

#### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$1,788,849,000: *Provided*, That of the amount provided under this heading, \$284,394,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended: *Provided further*, That this amount shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2006 but collected in fiscal year 2005; \$33,938,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$8,000,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2005, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2005 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$446,655,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$499,255,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$172,414,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$98,610,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$232,578,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$40,530,000 shall be for the National Center for Toxicological Research; (7) \$52,722,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration for rent; (8) \$129,815,000 shall be for payments to the General Services Administration for rent; and (9) \$116,270,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds

may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

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

#### 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, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$93,327,000, including not to exceed \$3,000 for official reception and representation expenses.

#### FARM CREDIT ADMINISTRATION

#### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$42,900,000 (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

#### (INCLUDING RESCISSIONS OF FUNDS)

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 388 passenger motor vehicles, of which 388 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. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. 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, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to \$12,000,000 in the low pathogen avian influenza program for indemnities, up to \$33,197,000 in animal health monitoring and surveillance for the animal identification system, up to \$3,000,000 in the emergency management systems program for the vaccine bank, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System (REEIS), 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 docu-

mentation by the Foreign Agricultural Service.

SEC. 705. 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. 706. 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).

SEC. 707. 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. 708. 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. 709. 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 25 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. 710. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 711. 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 Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. 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. 713. Of the funds made available by this Act, not more than \$1,800,000 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. 714. 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. 715. 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. 716. 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. 717. 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.

SEC. 718. (a) Notwithstanding any other provision of law, 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.

(b) Notwithstanding any other provision of law, 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.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the

Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, 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). Funds under section 401 for fiscal year 2005 are hereby cancelled.

SEC. 720. None of the funds appropriated by this 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, Food and Drug Administration, 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 2006 appropriations Act.

SEC. 721. None of the funds made available by this or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 722. In addition to amounts otherwise appropriated or made available by this Act, \$2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 723. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f), any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 724. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking "\$26,998,000" and inserting "\$27,498,000".

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 to collect from the lender at the time of issuance a guarantee fee of less than 2 percent of the principal obligation of guaranteed single-family housing loans administered by the Rural Housing Service.

SEC. 726. Notwithstanding any other provision of law, the Secretary shall consider the City of Salinas, California; the City of Watsonville, California; the City of Hollister, California; the Town of Ulster, New York; County of Cleburne, Alabama; the City of Coachella, California; the City of Casa Grande, Arizona; the City of Creedmoor, North Carolina; the City of Eureka, California; the City of Clarksdale, Mississippi; the City of Vicksburg, Mississippi; the City of Wewahatchka, Florida; the Town of Horsehoe Beach, Florida; and the City of Carbondale, Illinois, as meeting the eligibility requirements for loan and grant pro-

grams in the Rural Development mission area.

SEC. 727. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the DuPage County, Illinois, Kress Creek Water Quality Enhancement Project, from funds available for the Watershed and Flood Prevention Operations program, not to exceed \$1,360,000 and Rockhouse Creek Watershed, Leslie County, Kentucky, not to exceed \$1,000,000.

SEC. 728. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriation Act.

SEC. 729. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 20 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 730. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 731. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd through dd-7).

SEC. 732. None of the funds appropriated or made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 6405 of Public Law 107-171 (7 U.S.C. 2655).

SEC. 733. The Agricultural Marketing Service and the Grain Inspection, Packers and Stockyards Administration, that have statutory authority to purchase interest bearing investments outside of the Treasury, are not required to establish obligations and outlays for those investments, provided those investments are insured by the Federal Deposit Insurance Corporation or are collateralized at the Federal Reserve with securities approved by the Federal Reserve, operating under the guidelines of the United States Department of the Treasury.

SEC. 734. Of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to \$10,000,000 for costs associated with the distribution of commodities.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 175,000 acres in the calendar year 2005 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 736. None of the funds appropriated or otherwise made available by this or any other 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 \$1,010,000,000.

SEC. 737. The Secretary of Agriculture is authorized to permit employees of the United States Department of Agriculture to carry and use firearms for personal protection while conducting field work in remote locations in the performance of their official duties.

SEC. 738. None of the funds appropriated or otherwise made available by this or any

other Act shall be used to pay the salaries and expenses of personnel to expend the \$23,000,000 made available by section 9006(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106(f)).

SEC. 739. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Broadband Program as authorized by 601(j)(A) of 7 U.S.C. 950bb(j)(1)(A). \$40,000,000 of the funds available under such section are hereby cancelled.

SEC. 740. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Value-added grant program as authorized by 231(b)(4) of 7 U.S.C. 1621 note. \$80,000,000 of the funds available under such section are hereby cancelled.

SEC. 741. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 742. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a Conservation Security Program authorized by 16 U.S.C. 3838, et seq., in excess of \$194,411,000.

SEC. 743. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a wildlife habitat incentives program authorized under section 2502 of Public Law 107-171, the Farm Security and Rural Investment Act of 2002, in excess of \$60,000,000.

SEC. 744. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 2503 of Public Law 107-171, the Farm Security and Rural Investment Act of 2002, in excess of \$112,044,000.

SEC. 745. The Secretary of Agriculture shall use \$1,000,000 of the funds of the Commodity Credit Corporation, to remain available until expended, to compensate commercial citrus and lime growers in the State of Florida for tree replacement and for lost production with respect to trees removed to control citrus canker, and with respect to certified citrus nursery stocks within the citrus canker quarantine areas, as determined by the Secretary. For a grower to receive assistance for a tree under this section, the tree must have been removed after September 30, 2001.

SEC. 746. 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 Subtitle H (the Rural Business Investment Program) of the Consolidated Farm and Rural Development Act, as amended by the Farm Security and Rural Investment Act of 2002 (Public Law 107-171).

SEC. 747. None of the funds appropriated or otherwise made available in this Act shall be expended to violate Public Law 105-264.

SEC. 748. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02-062-1; 68 Fed. Reg. 40541).

SEC. 749. None of the funds made available in this Act may be used to study, complete

a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 750. Notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426-426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft 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 Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

SEC. 751. Of the unobligated balances in the Local Television Loan Guarantee Program account, \$88,000,000, are hereby rescinded.

SEC. 752. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out section 9010 of Public Law 107-171, the Farm Security and Rural Investment Act of 2002, in excess of \$100,000,000.

SEC. 753. The matter under the heading "Rural Community Advancement Program" in division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs Appropriations, 2004, title III—Rural Development Programs, in Public Law 108-199 is amended by striking "\$1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.); and not less than \$2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act" and inserting "and not less than \$2,000,000 shall be available for grants in accordance with section 310B(f) of the Consolidated Farm and Rural Development Act: *Provided further*, That of the total amount appropriated in this account, \$1,750,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose".

SEC. 754. Of the unobligated balances available in the Rural Housing Assistance Grant Program account, \$1,000,000 is hereby rescinded.

SEC. 755. Of the unobligated balances available in the Rural Housing Insurance Fund Program account, \$3,000,000 is hereby rescinded.

SEC. 756. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in fiscal years 2002, 2003, 2004, and 2005 shall remain available until expended to cover obligations made in fiscal years 2002, 2003, 2004, and 2005, respectively: *Provided*, That unobligated funds that are available at the end of each fiscal year are returned to the Treasury.

SEC. 757. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

SEC. 758. Section 502(h)(6)(C) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(C)) is amend-

ed by adding, " , plus the guarantee fee as authorized by subsection (h)(7)" after the phrase, "whichever is less", in each of paragraphs (i) and (ii).

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005".

The CHAIRMAN. No further amendment to the bill may be offered except pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments 4, 5, 6, 8, and 12; amendments 7, 10, and 13, each of which shall be debatable for 20 minutes; an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Farmers Market Promotion Program, which will be debatable for 20 minutes; an amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding outsourcing, which shall be debatable for 20 minutes; an amendment by the gentleman from California (Mr. BACA) regarding Office of Assistant Secretary of Civil Rights; an amendment by the gentleman from Washington (Mr. BAIRD) regarding livestock compensation; an amendment by the gentleman from Ohio (Mr. BROWN) regarding fluoroquinolone; an amendment by the gentleman from New York (Mr. HINCHHEY) regarding FDA, which shall be debatable for 20 minutes; an amendment by the gentlewoman from New York (Mrs. MALONEY) regarding contraceptives, which shall be debatable for 40 minutes; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding information technology systems; an amendment by the gentleman from Wisconsin (Mr. OBEY) regarding circular A-76; an amendment by the gentleman from Arizona (Mr. FLAKE) regarding tobacco, which will be debatable for 40 minutes; an amendment by the gentleman from Vermont (Mr. SANDERS) regarding agriculture tourism, which shall be debatable for 14 minutes; and an amendment by the gentleman from Colorado (Mr. TANCREDO) regarding food stamps, which shall be debatable for 20 minutes.

Each such amendment may be offered only by the Member designated in the request, or a designee, or the Member who caused it to be printed in the RECORD, or a designee, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in the request if it addresses in whole or in part the object described.

#### POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 717. This provision violates clause 2(b) of House rule XXI. It

proposes to change existing law and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, my understanding of the situation before us is that the gentleman from Virginia is objecting to section 717 of the bill beginning on page 66 which attempts to discipline the agency because the Committee on Appropriations has learned that USDA had transferred millions of dollars for agency funds to the Chief Information Officer of the Department for some of his favorite initiatives, contrary to the written advice of the USDA general counsel.

My understanding further is that these actions are in direct and total defiance of the Congress on this issue. They directly violate specific bill language in the fiscal 2004 bill which prohibited such transfers without the prior approval of both of the appropriation committees in the Senate and the House.

Mr. Chairman, if the gentleman insists on pursuing his point of order, the only practical effect will be that the Congress has declined to take any disciplinary action whatsoever against the agency after the agency has determined that it is acceptable to expend taxpayers' money in defiance of the law. I regret very much that the gentleman seeks to eliminate this language. If he does, there is not much that I can do about it, but I think it is a shame indeed when the Congress of the United States will not insist that an agency expends money only in compliance with the law.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? The Chair is prepared to rule.

The Chair finds that this provision includes language that explicitly supersedes existing law and requires a new determination by, and places new duties on, the Chief Information Officer.

The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the provision is stricken from the bill.

#### POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I make a point of order against section 751 of title VII in that it violates House rule XXI, clause 2 by changing existing law and inserting legislative language in an appropriation bill.

The CHAIRMAN. The gentleman from Virginia is recognized to speak on the point of order.

Mr. GOODLATTE. Mr. Chairman, section 751 of the bill rescinds \$88 million from the Local Television Loan Guarantee Program account. This rescission terminates this program and is an attempt to authorize legislation in an appropriations bill in violation of clause 2 of rule XXI. I urge that the

point of order be sustained and the section be stricken from the bill.

The CHAIRMAN. Does anyone else wish to be heard on the point of order?

The Chair is prepared to rule.

The provision identified in the point of order by the gentleman from Virginia rescinds budget authority provided in a law other than an appropriation act. As such, the provision constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. The point of order is sustained, and the provision is stricken from the bill.

#### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment by the gentlewoman from Oregon (Ms. HOOLEY) and amendment by the gentleman from New York (Mr. WEINER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

#### AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

#### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 13, as follows:

[Roll No. 363]

#### AYES—260

Abercrombie	Cardoza	Filner
Ackerman	Case	Foley
Alexander	Chandler	Ford
Allen	Clay	Fossella
Andrews	Clyburn	Frank (MA)
Baca	Conyers	Frost
Baird	Cooper	Gallegly
Baldwin	Costello	Gerlach
Bartlett (MD)	Cramer	Gonzalez
Bass	Crowley	Gordon
Becerra	Cummings	Green (TX)
Bell	Cunningham	Green (WI)
Bereuter	Davis (AL)	Grijalva
Berkley	Davis (CA)	Gutierrez
Berman	Davis (FL)	Harman
Berry	Davis (IL)	Harris
Bilirakis	Davis (TN)	Hastings (FL)
Bishop (GA)	DeFazio	Hastings (WA)
Bishop (NY)	DeGette	Hefley
Blackburn	DeLauro	Herseeth
Blumenauer	Dicks	Hill
Boehlert	Dingell	Hinchey
Bono	Doggett	Hinojosa
Boswell	Doyle	Hoefel
Boucher	Dreier	Holden
Boyd	Edwards	Holt
Bradley (NH)	Ehlers	Honda
Brady (PA)	Emanuel	Hooley (OR)
Brown (OH)	Engel	Hoyer
Brown, Corrine	Esch	Inslee
Burns	Etheridge	Israel
Calvert	Evans	Issa
Capps	Farr	Jackson (IL)
Capuano	Fattah	Jefferson
Cardin		John

Johnson (CT)	Miller, Gary	Serrano
Johnson, E. B.	Miller, George	Shays
Jones (OH)	Mollohan	Sherman
Kanjorski	Moore	Shimkus
Kaptur	Moran (VA)	Shuster
Kelly	Murtha	Simmons
Kennedy (RI)	Nadler	Skelton
Kildee	Napolitano	Slaughter
Kilpatrick	Neal (MA)	Smith (NJ)
Kind	Nethercutt	Smith (WA)
King (NY)	Oberstar	Snyder
Klecza	Obey	Solis
Kucinich	Oliver	Souder
LaHood	Ortiz	Spratt
Lampson	Ose	Stark
Langevin	Otter	Stearns
Lantos	Owens	Stenholm
Larsen (WA)	Pallone	Strickland
Larson (CT)	Pascarell	Stupak
LaTourette	Pastor	Sullivan
Leach	Payne	Sweeney
Levin	Pelosi	Tancredo
Lewis (GA)	Peterson (MN)	Tanner
Lipinski	Platts	Tauscher
LoBiondo	Pombo	Taylor (MS)
Lofgren	Pomeroy	Thomas
Lowey	Price (NC)	Thompson (CA)
Lucas (KY)	Putnam	Thompson (MS)
Lynch	Quinn	Tierney
Maloney	Radanovich	Towns
Manzullo	Rahall	Turner (OH)
Markey	Ramstad	Turner (TX)
Marshall	Rangel	Udall (CO)
Matheson	Reyes	Udall (NM)
Matsui	Rodriguez	Upton
McCarthy (MO)	Rogers (MI)	Van Hollen
McCarthy (NY)	Ross	Velázquez
McCollum	Rothman	Vislosky
McDermott	Roybal-Allard	Walden (OR)
McGovern	Royce	Wamp
McHugh	Ruppersberger	Waters
McIntyre	Ryan (OH)	Watson
McKeon	Sabo	Watt
McNulty	Sánchez, Linda T.	Waxman
Meehan	Sanchez, Loretta	Weiner
Meek (FL)	Sanders	Weldon (PA)
Meeks (NY)	Sandlin	Wexler
Menendez	Schakowsky	Whitfield
Mica	Schiff	Woolsey
Michaud	Scott (GA)	Wu
Millender	Scott (VA)	Wynn
McDonald	Sensenbrenner	
Miller (NC)		

#### NOES—160

Aderholt	Diaz-Balart, L.	King (IA)
Akin	Diaz-Balart, M.	Kingston
Bachus	Doolittle	Kirk
Baker	Duncan	Kline
Ballenger	Dunn	Knollenberg
Barrett (SC)	Emerson	Kolbe
Barton (TX)	English	Latham
Beauprez	Everett	Lewis (CA)
Biggart	Feeney	Lewis (KY)
Bishop (UT)	Ferguson	Linder
Blunt	Flake	Lucas (OK)
Boehner	Forbes	McCotter
Bonilla	Franks (AZ)	McCreary
Bonner	Frelinghuysen	McInnis
Boozman	Garrett (NJ)	Miller (FL)
Brady (TX)	Gibbons	Miller (MI)
Brown (SC)	Gilchrest	Moran (KS)
Brown-Waite,	Gillmor	Murphy
Ginny	Gingrey	Musgrave
Burgess	Goode	Myrick
Burr	Goodlatte	Neugebauer
Burton (IN)	Goss	Ney
Buyer	Granger	Northup
Camp	Graves	Norwood
Cannon	Greenwood	Nunes
Cantor	Hall	Nussle
Capito	Hart	Osborne
Carson (OK)	Hayes	Oxley
Carter	Hayworth	Paul
Castle	Hensarling	Pearce
Chabot	Herger	Pence
Chocoba	Hobson	Peterson (PA)
Coble	Hoekstra	Petri
Cole	Hostettler	Pickering
Cox	Houghton	Pitts
Crane	Hulshof	Porter
Crenshaw	Hunter	Portman
Cubin	Hyde	Pryce (OH)
Culberson	Jenkins	Regula
Davis, Jo Ann	Johnson (IL)	Rehberg
Davis, Tom	Johnson, Sam	Renzi
Deal (GA)	Jones (NC)	Reynolds
DeLay	Keller	Rogers (AL)
DeMint	Kennedy (MN)	Rogers (KY)



Rohrabacher	Simpson	Walsh
Ros-Lehtinen	Smith (MI)	Weldon (FL)
Rush	Smith (TX)	Weller
Ryan (WI)	Tauzin	Wicker
Ryun (KS)	Taylor (NC)	Wilson (NM)
Schrock	Terry	Wilson (SC)
Sessions	Thornberry	Wolf
Shadegg	Tiahrt	Young (AK)
Shaw	Tiberi	Young (FL)
Sherwood	Toomey	

## NOT VOTING—13

Carson (IN)	Gutknecht	Lee
Collins	Isakson	Majette
Deutsch	Istook	Saxton
Dooley (CA)	Jackson-Lee	Vitter
Gephardt	(TX)	

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MILLER of Florida) (during the vote). Members are advised that the voting machine may not be operational. Before the Members leave the Chamber, members are asked to check their votes. The voting machine is undergoing technical difficulties, and Members may be able to vote from the well.

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised not to leave the Chamber. The voting machine is inoperable at this time. Please do not cast votes even in the well at this time as the electronic voting system is inoperable and the clerk has no way of tallying the votes.

The clerk is working on rebooting the voting system, which would require everyone to cast their votes a second time if they have already voted.

□ 1415

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. MILLER of Florida) (during the vote). The Chair is advised that the electronic voting system has been restarted, and the electronic vote will be conducted anew, a totally fresh start. Members must recast their votes even if they previously cast votes under the earlier, defective electronic vote.

The bells will be rung to indicate a 15-minute vote on the Hooley amendment, followed by a 5-minute vote on the Weiner amendment.

The vote was taken by electronic device, and there were—ayes 260, noes 160, not voting 13, as follows:

□ 1437

Messrs. POMBO, SULLIVAN, FOSSELLA, and GERLACH changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 223, noes 197, not voting 13, as follows:

[Roll No. 364]

## AYES—223

Abercrombie	Hastings (FL)	Oliver
Ackerman	Hefley	Ortiz
Alexander	Herse	Ose
Allen	Hill	Owens
Andrews	Hinchey	Pallone
Baca	Hinojosa	Pascarelli
Baird	Hoeffel	Pastor
Baldwin	Holden	Paul
Becerra	Holt	Payne
Bell	Honda	Pelosi
Bereuter	Hooley (OR)	Peterson (MN)
Berkley	Hoyer	Pomeroy
Berman	Hyde	Price (NC)
Berry	Inslee	Rahall
Biggart	Israel	Rangel
Bishop (GA)	Jackson (IL)	Reyes
Bishop (NY)	Jefferson	Rodriguez
Blumenauer	John	Ross
Boehler	Johnson, E. B.	Rothman
Boswell	Jones (OH)	Roybal-Allard
Boucher	Kanjorski	Ruppersberger
Boyd	Kaptur	Rush
Brady (PA)	Kelly	Ryan (OH)
Brown (OH)	Kennedy (RI)	Sabo
Brown, Corrine	Kildee	Sanchez, Linda
Capps	Kilpatrick	T.
Capuano	Kind	Sanchez, Loretta
Cardin	King (NY)	Sanders
Cardoza	Kleczka	Sandlin
Carson (OK)	Kucinich	Schakowsky
Case	Lampson	Schiff
Chandler	Langevin	Scott (GA)
Clay	Lantos	Scott (VA)
Clyburn	Larson (CT)	Serrano
Conyers	LaTourette	Shays
Costello	Levin	Sherman
Cramer	Lewis (GA)	Simmons
Crowley	Lipinski	Skelton
Cummings	LoBiondo	Slaughter
Davis (AL)	Lofgren	Smith (NJ)
Davis (CA)	Lowey	Smith (WA)
Davis (FL)	Lucas (KY)	Snyder
Davis (IL)	Lynch	Solis
Davis (TN)	Maloney	Souder
Davis, Tom	Markey	Spratt
DeFazio	Marshall	Stark
DeGette	Matheson	Stenholm
Delahunt	Matsui	Strickland
DeLauro	McCarthy (MO)	Stupak
Dicks	McCarthy (NY)	Sweeney
Dingell	McCollum	Tanner
Doggett	McCotter	Tauscher
Dooley (CA)	McDermott	Taylor (MS)
Doyle	McGovern	Taylor (NC)
Edwards	McHugh	Thompson (CA)
Ehlers	McIntyre	Thompson (MS)
Emanuel	McNulty	Tierney
Engel	Meehan	Towns
Eshoo	Meek (FL)	Turner (TX)
Etheridge	Meeks (NY)	Udall (CO)
Evans	Menendez	Udall (NM)
Farr	Michaud	Upton
Fattah	Millender-	Van Hollen
Ferguson	McDonald	Velázquez
Filner	Miller (NC)	Visclosky
Ford	Miller, George	Waters
Fossella	Mollohan	Watson
Frank (MA)	Moore	Watt
Frost	Moran (VA)	Waxman
Gonzalez	Murtha	Weiner
Gordon	Nadler	Weller
Green (WI)	Napolitano	Wexler
Grijalva	Neal (MA)	Woolsey
Gutierrez	Oberstar	Wu
Harman	Obey	Wynn

## NOES—197

Aderholt	Ballenger	Bass
Akin	Barrett (SC)	Beauprez
Bachus	Bartlett (MD)	Bilirakis
Baker	Barton (TX)	Bishop (UT)

Blackburn	Goodlatte	Oxley
Blunt	Goss	Pearce
Boehner	Granger	Pence
Bonilla	Graves	Peterson (PA)
Bonner	Green (TX)	Petri
Bono	Greenwood	Pickering
Boozman	Hall	Pitts
Bradley (NH)	Harris	Platts
Brady (TX)	Hart	Pombo
Brown (SC)	Hastings (WA)	Porter
Brown-Waite,	Hayes	Portman
Ginny	Hayworth	Pryce (OH)
Burgess	Hensarling	Putnam
Burns	Herger	Quinn
Burr	Hobson	Radanovich
Burton (IN)	Hoekstra	Ramstad
Buyer	Hostettler	Regula
Calvert	Houghton	Rehberg
Camp	Hulshof	Renzi
Cannon	Hunter	Reynolds
Cantor	Issa	Rogers (AL)
Capito	Jenkins	Rogers (KY)
Carter	Johnson (CT)	Rogers (MI)
Castle	Johnson (IL)	Rohrabacher
Chabot	Johnson, Sam	Ros-Lehtinen
Chocola	Jones (NC)	Royce
Coble	Keller	Ryan (WI)
Cole	Kennedy (MN)	Ryun (KS)
Cooper	King (IA)	Schrock
Cox	Kingston	Sensenbrenner
Crane	Kirk	Sessions
Crenshaw	Kline	Shadegg
Cubin	Knollenberg	Shaw
Culberson	Kolbe	Sherwood
Cunningham	LaHood	Shimkus
Davis, Jo Ann	Latham	Shuster
Deal (GA)	Leach	Simpson
DeLay	Lewis (CA)	Smith (MI)
DeMint	Lewis (KY)	Smith (TX)
Diaz-Balart, L.	Linder	Stearns
Diaz-Balart, M.	Lucas (OK)	Sullivan
Doolittle	Manzullo	Tancred
Dreier	McCrery	Tauzin
Duncan	McInnis	Terry
Dunn	McKeon	Thomas
Emerson	Mica	Thornberry
English	Miller (FL)	Tiahrt
Everett	Miller (MI)	Tiberi
Feeney	Miller, Gary	Toomey
Flake	Moran (KS)	Turner (OH)
Foley	Murphy	Walden (OR)
Forbes	Musgrave	Walsh
Franks (AZ)	Myrick	Wamp
Frelinghuysen	Nethercutt	Weldon (FL)
Gallely	Neugebauer	Weldon (PA)
Garrett (NJ)	Ney	Whitfield
Gerlach	Northup	Wicker
Gibbons	Norwood	Wilson (NM)
Gilchrest	Nunes	Wilson (SC)
Gillmor	Nussle	Wolf
Gingrey	Osborne	Young (AK)
Goode	Otter	Young (FL)

## NOT VOTING—13

Carson (IN)	Isakson	Lee
Collins	Istook	Majette
Deutsch	Jackson-Lee	Saxton
Gephardt	(TX)	Vitter
Gutknecht	Larsen (WA)	

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1445

Mr. TAYLOR of North Carolina changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BONILLA. 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. CAMP) having assumed the chair, Mr. MILLER of Florida, Chairman pro tempore 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.

4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

**MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION**

Mr. LEWIS of California. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 4613 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable.

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 16, as follows:

[Roll No. 365]

YEAS—411

Abercrombie	Buyer	Duncan
Ackerman	Calvert	Dunn
Aderholt	Camp	Edwards
Akin	Cannon	Ehlers
Alexander	Cantor	Emanuel
Allen	Capito	Emerson
Andrews	Capps	Engel
Baca	Capuano	English
Bachus	Cardin	Eshoo
Baird	Carson (OK)	Etheridge
Baker	Carter	Evans
Baldwin	Case	Everett
Ballenger	Castle	Farr
Barrett (SC)	Chabot	Fattah
Bartlett (MD)	Chandler	Feeney
Barton (TX)	Chocola	Ferguson
Bass	Clay	Filner
Beauprez	Clyburn	Flake
Becerra	Coble	Foley
Bell	Cole	Forbes
Bereuter	Conyers	Ford
Berkley	Cooper	Fossella
Berman	Costello	Frank (MA)
Berry	Cox	Franks (AZ)
Biggert	Cramer	Frelinghuysen
Bilirakis	Crane	Frost
Bishop (GA)	Crenshaw	Galleghy
Bishop (NY)	Crowley	Garrett (NJ)
Bishop (UT)	Cubin	Gerlach
Blackburn	Culberson	Gibbons
Blumenauer	Cummings	Gilchrest
Blunt	Cunningham	Gillmor
Boehlert	Davis (AL)	Gingrey
Boehner	Davis (CA)	Gonzalez
Bonilla	Davis (IL)	Goode
Bonner	Davis (TN)	Goodlatte
Bono	Davis, Jo Ann	Gordon
Boozman	Davis, Tom	Goss
Boswell	Deal (GA)	Granger
Boucher	DeGette	Graves
Boyd	DeLauro	Green (TX)
Bradley (NH)	DeLay	Green (WI)
Brady (PA)	DeMint	Greenwood
Brady (TX)	Diaz-Balart, L.	Grijalva
Brown (OH)	Diaz-Balart, M.	Gutierrez
Brown (SC)	Dicks	Hall
Brown, Corrine	Dingell	Harman
Brown-Waite,	Doggett	Harris
Ginny	Doolittle	Hart
Burgess	Dooley (CA)	Hastings (FL)
Burns	Doolittle	Hastings (WA)
Burr	Doyle	Hayes
Burton (IN)	Dreier	Hayworth

Hefley	Meehan	Ryun (KS)
Hensarling	Meek (FL)	Sabo
Herger	Meeks (NY)	Sanchez, Linda
Herseeth	Menendez	T.
Hill	Mica	Sanchez, Loretta
Hinojosa	Michaud	Sanders
Hobson	Millender-	Sandlin
Hoeffel	McDonald	Schakowsky
Hoekstra	Miller (FL)	Schiff
Holden	Miller (MI)	Schrock
Holt	Miller (NC)	Scott (GA)
Honda	Miller, Gary	Scott (VA)
Hooley (OR)	Miller, George	Sensenbrenner
Hostettler	Mollohan	Serrano
Houghton	Moore	Sessions
Hoyer	Moran (KS)	Shadegg
Hulshof	Moran (VA)	Shaw
Hunter	Murphy	Shays
Hyde	Murtha	Sherman
Inslee	Musgrave	Sherwood
Israel	Myrick	Shimkus
Issa	Nadler	Shuster
Jackson (IL)	Napolitano	Simmons
Jenkins	Neal (MA)	Simpson
John	Nethercutt	Skelton
Johnson (CT)	Neugebauer	Slaughter
Johnson (IL)	Ney	Smith (MI)
Johnson, E. B.	Northup	Smith (NJ)
Johnson, Sam	Norwood	Smith (TX)
Jones (NC)	Nunes	Smith (WA)
Jones (OH)	Nussle	Snyder
Kanjorski	Oberstar	Solis
Kaptur	Obey	Souder
Keller	Oliver	Spratt
Kelly	Ortiz	Stearns
Kennedy (MN)	Osborne	Stenholm
Kennedy (RI)	Ose	Strickland
Kildee	Otter	Stupak
Kilpatrick	Owens	Sullivan
Kind	Oxley	Sweeney
King (IA)	Pallone	Tancredo
King (NY)	Pascarell	Tanner
Kingston	Pastor	Tauscher
Kirk	Paul	Tauzin
Kleczka	Payne	Taylor (MS)
Kline	Pearce	Taylor (NC)
Knollenberg	Pelosi	Terry
Kolbe	Pence	Thomas
LaHood	Peterson (MN)	Thompson (CA)
Lampson	Peterson (PA)	Thompson (MS)
Langevin	Petri	Thornberry
Lantos	Pickering	Tiahrt
Larson (CT)	Pitts	Tiberi
Latham	Platts	Tierney
LaTourette	Pombo	Toomey
Leach	Pomeroy	Towns
Levin	Porter	Turner (OH)
Lewis (CA)	Portman	Turner (TX)
Lewis (GA)	Price (NC)	Udall (CO)
Lewis (KY)	Pryce (OH)	Upton
Linder	Putnam	Van Hollen
Lipinski	Quinn	Velázquez
LoBiondo	Radanovich	Visclosky
Lofgren	Rahall	Walden (OR)
Lowe	Ramstad	Walsh
Lucas (KY)	Rangel	Wamp
Lucas (OK)	Regula	Waters
Lynch	Rehberg	Watson
Maloney	Renzi	Watt
Manzullo	Reyes	Waxman
Markey	Reynolds	Weiner
Marshall	Rodriguez	Weldon (FL)
Matheson	Rogers (AL)	Weldon (PA)
Matsui	Rogers (KY)	Weller
McCarthy (MO)	Rogers (MI)	Wexler
McCarthy (NY)	Rohrabacher	Whitfield
McCollum	Ros-Lehtinen	Wicker
McCotter	Ross	Wilson (NM)
McCrery	Rothman	Wilson (SC)
McGovern	Roybal-Allard	Wolf
McHugh	Royce	Woolsey
McInnis	Ruppersberger	Wu
McIntyre	Rush	Wynn
McKeon	Ryan (OH)	Young (AK)
McNulty	Ryan (WI)	Young (FL)

NAYS—6

DeFazio	Kucinich	Stark
Hinchey	McDermott	Udall (NM)

NOT VOTING—16

Cardoza	Gutknecht	Larsen (WA)
Carson (IN)	Isakson	Lee
Collins	Istook	Majette
Davis (FL)	Jackson-Lee	Saxton
Deutsch	(TX)	Vitter
Gephardt	Jefferson	

□ 1504

So the motion was agreed to.  
The result of the vote was announced as above recorded.

**MAKING IN ORDER AT ANY TIME CONSIDERATION OF S. 15, PROJECT BIOSHIELD ACT OF 2004**

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it shall be in order at any time without intervention of any point of order to consider in the House S. 15; the bill shall be considered as read for amendment; the previous question shall be considered as ordered on the bill to final passage without intervening motion except:

(1), 90 minutes of debate on the bill with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, 15 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 15 minutes equally divided and controlled by the chairman and ranking minority member of the Select Committee on Homeland Security; and, (2), one motion to recommit.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

**REPORT ON H.R. 4818, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005**

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-599) on the bill (H.R. 4818) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005**

The SPEAKER pro tempore. Pursuant to House Resolution 710 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. 4766.

□ 1504

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. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related