

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)
Biggart Cramer Frelinghuysen
Bilirakis Crane Frost
Bishop (GA) Crenshaw Gallegly
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 Delahunt Green (TX)
Bradley (NH) DeLauro Green (WI)
Brady (PA) DeLay Greenwood
Brady (TX) DeMint Grijalva
Brown (OH) Diaz-Balart, L. Gutierrez
Brown (SC) Diaz-Balart, M. Hall
Brown, Corrine Dicks Harman
Brown-Waite, Dingell Harris
Ginny Doggett Hart
Burgess Dooley (CA) Hastings (FL)
Burns Doolittle Hastings (WA)
Burr Doyle Hayes
Burton (IN) Dreier Hayworth

Hefley Meehan
Hensarling Meek (FL)
Herger Meeks (NY)
Herseth Menendez
Hill Mica
Hinojosa Michaud
Hobson Millender-
Hoeffel McDonald
Hoekstra Miller (FL)
Holden Miller (MI)
Holt Miller (NC)
Honda Miller, Gary
Hooley (OR) Miller, George
Hostettler Mollohan
Houghton Moore
Hoyer Moran (KS)
Hulshof Moran (VA)
Hunter Murphy
Hyde Murtha
Inslee Musgrave
Israel Myrick
Issa Nadler
Jackson (IL) Napolitano
Jenkins Neal (MA)
John Nethercutt
Johnson (CT) Neugebauer
Johnson (IL) Ney
Johnson, E. B. Northup
Johnson, Sam Norwood
Jones (NC) Nunes
Jones (OH) Nussle
Kanjorski Oberstar
Kaptur Obey
Keller Oliver
Kelly Ortiz
Kennedy (MN) Osborne
Kennedy (RI) Ose
Kildee Otter
Kilpatrick Owens
Kind Oxley
King (IA) Pallone
King (NY) Pascrell
Kingston Pastor
Kirk Paul
Kleczka Payne
Kline Pearce
Knollenberg Pelosi
Kolbe Pence
LaHood Peterson (MN)
Lampson Peterson (PA)
Langevin Petri
Lantos Pickering
Larson (CT) Pitts
Latham Platts
LaTourette Pombo
Leach Pomeroy
Levin Porter
Lewis (CA) Portman
Lewis (GA) Price (NC)
Lewis (KY) Pryce (OH)
Linder Putnam
Lipinski Quinn
LoBiondo Radanovich
Lofgren Rahall
Lowey Ramstad
Lucas (KY) Rangel
Lucas (OK) Regula
Lynch Rehberg
Maloney Renzi
Manzullo Reyes
Markey Reynolds
Marshall Rodriguez
Matheson Rogers (AL)
Matsui Rogers (KY)
McCarthy (MO) Rogers (MI)
McCarthy (NY) Rohrabacher
McCollum Ros-Lehtinen
McCotter Ross
McCrary Rothman
McGovern Roybal-Allard
McHugh Royce
McInnis Ruppertsberger
McIntyre Rush
McKeon Ryan (OH)
McNulty Ryan (WI)

Ryun (KS) Sabo
Sánchez, Linda T.
Sánchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Quinn
Velázquez
Viscosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 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

NAYS—6

DeFazio Kucinich
Hinchev McDermott

Cardoza
Carson (IN)
Collins
Davis (FL)
Deutsch
Gephardt

Stark
Udall (NM)

NOT VOTING—16

Gutknecht
Isakson
Istook
Jackson-Lee
(TX)
Jefferson

Larsen (WA)
Lee
Majette
Saxton
Vitter

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 amendment by the gentleman from New York (Mr. WEINER) had been disposed of and the bill was open for amendment at any point.

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

Mr. Chairman, I yield to the gentleman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Chairman, I would like to engage in a colloquy with the gentleman.

Over the past 3 years, the Agriculture appropriations bill has funded a very important aquaculture research program at the Ohio State University which is in my district but which serves the entire State. I am concerned that language in this year's bill might divert that funding away from the Ohio State University. I support this project in its current form and am proud of the work that has been accomplished. Given that this historical funding arrangement has worked well in the past, I would like to ask the chairman to work with me in conference to ensure that this aquaculture funding continues to be directed toward the Ohio State University.

Mr. BONILLA. Mr. Chairman, I would be glad to work with my friend from Ohio to ensure that these funds continue to go to the Ohio State University as they have in the past.

Ms. PRYCE of Ohio. I thank the gentleman, Mr. Chairman.

AMENDMENT NO. 4 OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUCAS of Oklahoma:

At the end of the bill (before the short title), insert the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____ (a) Section 1241(b) of the Food Security Act of 1985 (16 U.S.C. 3841(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) through (4)”; and

(2) by adding at the end the following:

“(3) FARMLAND PROTECTION PROGRAM, GRASSLAND RESERVE PROGRAM, ENVIRONMENTAL QUALITY INCENTIVES PROGRAM, WILDLIFE HABITAT INCENTIVES PROGRAM, AND GROUND AND SURFACE WATER CONSERVATION PROGRAM.—

“(A) IN GENERAL.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraphs (4) through (7) of subsection (a) of this section or the ground and surface water conservation program under section 1240I shall not be available for the provision of technical assistance for any other of such programs.

“(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE EN-

VIROMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

“(4) CONSERVATION RESERVE PROGRAM AND WETLANDS RESERVE PROGRAM.—Effective for fiscal year 2005 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out a conservation program specified in paragraph (1) or (2) of subsection (a) shall be available for the provision of technical assistance for the program.”

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

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order.

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise today to offer my amendment printed as No. 4 in the CONGRESSIONAL RECORD.

I know that the gentleman from Texas (Mr. BONILLA) and his staff have worked diligently to create this year's bill under a very tight allocation.

In fiscal year 2003, USDA cut \$284 million from the Environmental Quality Incentives Program, the Farmland Protection Program, Wildlife Habitat Incentives Program, and the Grassland Reserves Program. I would like to include USDA's fiscal year 2003 and fiscal year 2004 chart of donor and recipient programs for the RECORD.

Most of this money was spent to provide technical assistance for each of the aforementioned programs. However, language in FY 2003's omnibus allowed USDA to take money from those four programs and provide technical assistance for the Conservation Reserve Program and the Wetlands Reserve Program. In FY 2004, USDA diverted almost \$80 million to CRP and WRP. This creation of donor programs was caused by various interpretations of the 2000 farm bill and, unfortunately, has ended in four important programs being drained of funds.

The budget recently passed by the House provided a fix for CRP and WRP so they would be able to pay for their own technical assistance. Unless the Senate acts on the budget, I am afraid that we will once again see the four donor programs losing a great amount of funding to CRP and WRP.

I have held numerous hearings on technical assistance issues, and it is hard to find a solution. Since the Senate has not passed the budget, the only fair solution is for each program, each program to pay for its own technical assistance. If we do not address this issue, USDA has estimated that for FY 2004, \$100 million will be transferred from EQIP, Farmland Protection, WEP, GRP in order to provide technical assistance. This number is most likely only to grow larger in FY 2005.

Consider for a moment that the Farmland Protection Program this year is \$112 million. And WEP, the Wildlife Enhancements Program, is \$60 million. Based on last year's number, the \$100 million spent on technical as-

sistance for CRP and WRP is more than the entire WEP program and almost as much as the entire Farmland Protection Program. I urge Members to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas (Mr. BONILLA) insist on his point of order?

Mr. BONILLA. Yes, Mr. Chairman.

Mr. Chairman, I do make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. The rule states in pertinent part: “An amendment to a general appropriations bill shall not be in order if changing existing law.”

This amendment directly amends existing law.

I would also like to point out in this point of order that the gentleman from Oklahoma (Mr. LUCAS) is an outstanding Member who works with us on many issues in this bill, and this issue is especially important to him and we recognize that.

I ask for a ruling from the Chair.

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

The Chair is prepared to rule.

The Chair finds this amendment proposes directly to amend existing law. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio: At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds appropriated or otherwise made available by this Act to the Secretary of Agriculture for expenditure for the school lunch or breakfast programs may be used, after December 31, 2004, to purchase chickens or chicken products from companies that do not have a stated policy that such companies do not use fluoroquinolone antibiotics in their chickens.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) reserves a point of order on the amendment.

Pursuant to the order of the House today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, survival of the fittest has its downside. When an antibiotic is used on the bacteria in a person or animal, it may kill some of the bacteria, but it will not kill all of them. The survivors reproduce, propagating these heartier antibiotic-resistant bacteria.

Antibiotic resistance, as we have discussed on this floor for several years, is a serious and growing threat; 38 Americans die every day. Thirty-eight Americans die every day from antibiotic-resistant infections according to the World Health Organization. Some estimates suggest that the number is twice that size.

Antibiotic resistance costs the American health care system an estimated \$4 billion every year. The Centers for Disease Control has called antibiotic resistance one of its top concerns.

Human medicine is partly to blame. The CDC has launched a campaign to better educate doctors and patients about the dangers of antibiotic overuse. But animal agriculture is also to blame. Some 70 percent of antibiotic use in America is not for people but for cows, for pigs, for chickens and for other animals we eat. About 70 percent of those antibiotics are used not on sick animals but either to prevent illness prophylactically, or just to make healthy animals grow faster.

The overuse of antibiotics in animal agriculture has serious consequences. Fluoroquinolones, the class of antibiotics that includes Cipro, are a disturbing example. Cipro is used to treat food-borne infections from a bacterium called camplobacter. The FDA approved fluoroquinolones for use in human medicine in 1986, and for use in chickens in 1995. During the 9 years between 1986 and 1995, Mr. Chairman, no more than 3 percent of cases in the U.S. involved resistant bacteria. But just 2 years after FDA approved fluoroquinolones for use in chickens, resistance in humans had jumped to 13 percent. From 3 percent to 13 percent after the FDA okayed its use in chickens.

By 2001, 19 percent of these infections in humans were Cipro-resistant. Private industry has recognized the problem and has begun to respond. McDonald's, Wendy's and others will no longer buy products made from chickens raised with fluoroquinolones. And leading chicken producers like Tyson, Gold Kist, Purdue have also committed to stop using fluoroquinolones.

The American Medical Association, Consumers Union and other public health and consumer advocates believe it is time for the government to catch up to industry and take action on antibiotic resistance. Mr. Chairman, the National School Lunch Program lags behind. The USDA still buys chickens raised with fluoroquinolones.

Last year, this Congress decided it was time to act. The conference report for the 2004 ag appropriations bill strongly encouraged USDA to buy chickens for the School Lunch Program only from companies that do not use fluoroquinolones. That language was approved by bipartisan majorities in each House. The bill accompanying it was signed by the President; but, unfortunately, the Department of Agriculture did nothing.

The amendment I have offered was worded to closely track the language

we approved last year. The difference is under my amendment, we are not asking this time, we are telling. Unfortunately, that is also why my amendment is subject to a point of order and I must withdraw it. Before I do, I invite the chairman and all of my colleagues to work with me to address this issue as the USDA bill advances.

We asked USDA to do something last year in the strongest terms. It ignored us. Let us tell them we expect better this year. Let us tell the USDA we are serious about protecting the American people from a growing and serious problem, antibiotic resistance.

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

Mr. BROWN of Ohio. I yield to the gentleman from Texas.

Mr. BONILLA. The gentleman raises a very important issue, and we addressed this with report language in last year's bill. We will continue to try to work with the gentleman on this issue.

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Texas.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

□ 1515

AMENDMENT NO. 5 OFFERED BY MR. LUCAS OF OKLAHOMA

Mr. LUCAS of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LUCAS of Oklahoma:

At the end of the bill (before the short title), insert the following:

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____ (a) None of the funds made available in this Act for the 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-3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n-3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h-3838j) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831-3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837-3837f).

(b) None of the funds made available in this Act for the Conservation Reserve Program authorized by subchapter B of chapter 1 of subtitle D of the Food Security Act of 1985 (16 U.S.C. 3831-3835a) may be used to provide technical assistance under the Wetlands Reserve Program authorized by subchapter C of such chapter (16 U.S.C. 3837-3837f).

(c) None of the funds made available in this Act for the Wetlands Reserve Program authorized by subchapter C of chapter 1 of subtitle D of the Food Security Act of 1985 (16

U.S.C. 3837-3837f) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of such chapter (16 U.S.C. 3831-3835a).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. LUCAS) and a Member opposed each will control 5 minutes.

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

Mr. LUCAS of Oklahoma. Mr. Chairman, I yield myself such time as I may consume.

My amendment No. 5 simply prohibits funding from being transferred from EQIP, WHIP, GRP, and FRPP to other conservation programs such as CRP and WRP for the purpose of technical assistance.

I have been asked on numerous times if CRP, WRP, continuous CRP and CREP sign-ups would still occur if this amendment was passed. It would be up to the USDA to find other funds from which to provide this technical assistance.

Mr. Chairman, quite simply put, I think it is a fairness issue. The programs should pay for themselves from their own expenditures.

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

Mr. LUCAS of Oklahoma. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman raises a very important issue in his amendment, and just for the record, we would be delighted to support the amendment.

Mr. LUCAS of Oklahoma. The gentleman much appreciates the Chair's offer.

Mr. Chairman, I yield as much time as he might consume that remains to the gentleman from Pennsylvania (Mr. HOLDEN), the ranking member of the Subcommittee on Conservation, Credit, Rural Development and Research.

Mr. HOLDEN. Mr. Chairman, I will be brief, and I thank the chairman for accepting the amendment, and I thank him and the ranking member for their significant work in bringing this bill to the floor.

As the chairman of the authorizing subcommittee has mentioned, we do have a tremendous problem with technical assistance, and when we passed the farm bill in 2002 it was never our intent, as we talked about that record-setting investment in conservation, to have the funds come from one program to be transferred to another. So I want to thank the chairman for accepting the amendment and thank my chairman for offering the amendment.

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

The CHAIRMAN. Does any Member rise in opposition to the pending amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma (Mr. LUCAS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

At the end of the bill (before the short title), insert the following:

SEC. ____ The amounts otherwise provided by this Act are revised by increasing the amount made available under the heading "OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES", by increasing the amount made available under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS", and by decreasing the amount made available under the heading "RURAL DEVELOPMENT—SALARIES AND EXPENSES" by \$250,000, \$1,500,000, \$1,000,000, \$750,000, and \$5,800,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. BACA) and the gentleman from Texas (Mr. BONILLA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chairman, I yield myself as much time as I may consume, which is the 5 minutes.

I believe, Mr. Chairman, the third time is the charm. This is the third time I have brought this up. I rise in favor of an amendment by the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Michigan (Mr. KILDEE) and myself to increase funding for minority programs at the USDA.

We propose four funding increases: \$250,000 for the Office of the Assistant Secretary for Civil Rights; \$1 million for tribal expansion grants; \$750,000 for grants to socially disadvantaged farmers and ranchers; \$1.5 million for Hispanic-serving institutions. We believe this is a small amount that equates to about \$5.8 million. We are asking only for \$5.8 million out of the \$170 million that are currently in the account right now under Rural Development in salaries and expenses because we just transferred an additional \$27 million this morning, and they were appropriated now \$147 million, and all we are asking for is this small amount.

We believe that this amendment is important because it provides funding for civil rights programs and other significant funding to help minorities in the field of agriculture and, I state, for civil rights programs.

The U.S. Department of Agriculture institution has problems that must be resolved. The problems with the USDA are so severe that civil rights complaints have cost the Federal Government nearly \$1 million in settlements and awards. Fixing the civil rights process and properly funding minority initiatives are necessary to permanently end a history of discrimination.

We must rebuild trust between minority communities and the USDA.

This amendment is supported by the National Council of American Indians, which represents about 250 tribal governments; the National Hispanic Legislative Agenda; the Hispanic Association of Colleges and Universities; and Rural Coalition, which has approximately 350 colleges and universities.

We believe this amendment is important in dealing with discrimination and civil rights. Without funding, it becomes very difficult for some farmer or others to obtain loans who may have been discriminated, and we know very well that in order to harvest your crops you have got to have the finances, and if you file a complaint and you do not receive the finances, there must be some kind of recourse for an individual to file a complaint. The civil rights is one of the areas that individuals who may have been discriminated, whether they are African American, whether they are Hispanic or whether they are Indians or others, they have an opportunity to seek assistance through civil rights.

We believe that we should protect civil rights. Civil rights was first introduced by Martin Luther King, who fought to make sure that justice and equality was there for all individuals.

All we are saying now is, in order to enhance and provide the services, we must provide the funding to have the individuals who can provide the assistance. These grants do that through the following areas.

I ask for support of this amendment, and hopefully my colleague from Texas will look at this as a worthy endeavor in providing assistance for civil rights.

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

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

This is difficult to support. The gentleman raises some good issues in his debate and his amendment, but, again, this is a rural development cut that he is proposing which, as we heard earlier on the floor, there is strong support for all of these programs out in the heartland. So I reluctantly would oppose this effort, oppose this amendment because of where the money would come from.

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

Mr. BACA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the fine gentleman from California (Mr. BACA) for offering this amendment, along with his distinguished colleagues, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Michigan (Mr. KILDEE). I would like to compliment the gentleman from California (Mr. BACA) for his steadfastness in standing up for inclusion of all farmers in our country, regardless of racial background, of ethnic background, of regional background. I really want to help the gentleman.

I support his amendment. As we move to conference I hope that his dogged efforts today and those of his colleagues will help us find a better way forward. I hope that the chairman will work with us as we go into conference committee because what the gentleman is asking for here is not outlandish. He is asking for small increases in the office for civil rights, for tribal extension grants, for outreach to minority farmers and for Hispanic-serving institutions, all of which, along with Native Americans, deserve more attention in this bill.

It is true that there are tremendous suits against the Department of Agriculture now totaling over \$1 billion. The gentleman's amendment is just infinitesimal in comparison to that. But we know the unmet need that is out there.

I just want to thank the gentleman. He has my support. He has my support not just here on the floor today but as we move to conference. I thank him for standing up for every farmer in America, regardless of where they might live, what their income or their background is. I commend the gentleman.

Mr. BACA. Mr. Chairman, I yield myself such time as I may consume. I thank the gentlewoman very much for her comments.

It is true we are only asking for \$5.8 million, which is a small amount of the \$170 million that are there in appropriations.

Hispanic-serving institutions are a great resource of innovation and deserve funding to continue generating advancements in agriculture and science. We must stop the long-standing practice of underfunding these institutions.

Currently, the Hispanic-serving institutions are underfunded by about 75 percent. We have a population that continues to grow, and that is important. We have 16 percent of the total population of the United States.

I urge an "aye" vote, and I encourage my colleague from Texas to reconsider and support this worthy cause.

Mr. HINOJOSA. Mr. Chairman, I rise in strong support of the Baca-Thompson-Kildee amendment. I would like to commend and congratulate my colleagues for bringing this important amendment before this body.

This amendment strengthens our federal commitment to redressing discrimination and assisting our socially disadvantaged farmers and ranchers.

This amendment also increases funding for Hispanic-Serving Institutions, which play a critical role in building the capacity of our community in research and agricultural fields. This competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the nation's food and agricultural scientific and professional work force.

Funded grants have supported projects in the fields of nutrition and dietetics, aquaculture, agribusiness technology, food and beverage export and international trade, food

and agricultural marketing and management, integrated resources management, food science technology engineering, plant science environmental science and veterinary science and technology.

Although Title VIII of the Farm Bill authorizes \$20 million for HSIs, actual appropriations remain at 20 percent of the minimally authorized level. Only 2.7 percent of Hispanic college graduates earn a degree in agriculture-related areas. The continued under-representation of Hispanics in these important areas demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals. This amendment would increase funding for HSIs to \$7.1 million. It is a smart investment and a step in the right direction.

I urge my colleagues to vote "yes" on this amendment.

The CHAIRMAN. The time of the gentleman from California has expired.

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

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

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds made available under the heading "FOOD AND NUTRITION SERVICE—Food Stamp Program" in title IV may be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

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

This is another amendment that intends to encourage a Federal agency, in this case the USDA, to comply with an existing law.

I find myself up here oftentimes with amendments of this nature because there are a number of issues that we have on the books, there are a number of laws we have on the books, but we have, unfortunately, a problem with compliance. This is one of those kinds of situations.

The amendment essentially says that none of the funds provided in the bill

under the heading Food Stamp Program will be expended in contravention of 8 U.S.C. 1183(a).

Now 8 U.S.C. 1183(a) does a couple of things. First of all, it says that an affidavit of support must be filed by a sponsor on behalf of certain aliens. The affidavit of support is a legally binding guarantee on the part of the sponsor that the immigrant they are sponsoring will not become a "public charge," that is, dependent on welfare programs for 10 years or up to a point in time that they become a citizen, whichever happens first.

This public charge requirement is nothing new. The requirement has been the cornerstone of immigration policy since the 1880s. Even inspectors at Ellis Island during the heyday of legal immigration when the vast majority of those seeking entry were allowed to stay did not admit immigrants liable to become a public charge.

Second, the law makes the affidavit enforceable against the sponsor by "the Federal Government, any State (or any political subdivision of such State), or by any other entity that provides any means-tested public benefit." Meaning the sponsors, and not the taxpayer, are to be the people on the hook for this cost.

It also requires providers of these benefits to seek reimbursement from the sponsors and even allows the government to sue these deadbeat sponsors to recover these costs.

Interestingly, another law, 8 U.S.C. 1227, makes it clear that aliens who become a public charge within 5 years of their entry are, in some cases, deportable.

Reasonable people can disagree about issues revolving around immigration, but I think everyone should agree we should not be in the business of admitting people into the country for the purpose of allowing them to become a drain on the public Treasury.

The fact is that we have a law on the books. It is not being upheld. It is not being enforced. In fact, we actually wrote a letter to the Justice Department last year asking about this, and they said, to the best of their knowledge, there had not been a case enforced in over 10 years of anyone, anyone here. No one has actually gone to the extent of going to the affidavit that I have right here in front of me that says I will sponsor this person who is in the country; I will take responsibility for their costs should they become a public charge. Many do, in fact, become a public charge. It was happened in my State. It is happening in every State in the Nation. We should, in fact, encourage the enforcement of the law.

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

Mr. BONILLA. Mr. Chairman, we have no objection to this amendment.

The CHAIRMAN. Does the gentleman claim the time in opposition to the amendment?

Mr. BONILLA. Yes, and I reserve the balance of my time.

Ms. KAPTUR. Reserving the right to object, Mr. Chairman, I wanted to ask the author of the amendment a question.

The CHAIRMAN. The Chair is unaware of any pending request the gentlewoman is objecting to.

Ms. KAPTUR. I am trying to understand the procedure here. The gentleman is formally offering an amendment?

The CHAIRMAN. The Member will suspend. The time is controlled by the gentleman from Colorado (Mr. TANCREDO) and by the gentleman from Texas (Mr. BONILLA) in opposition.

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

The CHAIRMAN. The time is controlled and amendments are not in order.

Ms. KAPTUR. Mr. Chairman, I have a parliamentary inquiry.

Mr. BONILLA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) for a brief question.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for the time.

I just would like to know, for the record, does the gentleman's amendment in any way change existing law regarding immigration and food stamp eligibility?

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

Ms. KAPTUR. I yield to the gentleman from Colorado.

Mr. TANCREDO. It does not.

□ 1530

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

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

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

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

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

Mr. BONILLA. I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I originally had drafted an amendment which would have de-funded a position at the Food and Drug Administration Center for Veterinary Medicine, which funded a bureaucrat for which we have been embattled in trying to protect one of my constituents, a small business located in my district.

I will not be offering that amendment and instead will be engaging in a colloquy with the chairman of the subcommittee, and so I appreciate his yielding to me.

Let me provide the chairman some background, since I know this issue is

fairly new to him, and I want to state the facts for the record here. In my district, I am proud to represent a third generation small family-owned business that manufactures veterinary pharmaceuticals. These are pharmaceutical, drugs, for cows, chickens, and pigs. They found a niche market where there was a monopoly player. They went out to engage in competition with this particular pharmaceutical manufacturer in a certain type of antibiotic for pigs and chickens.

They also found there was a firm in the Kansas City area that held a license for this particular drug. And by the way, this particular antibiotic drug has been approved by the Center for Veterinary Medicine for over 40 years and, as I stated earlier, was already being distributed by a soon-to-be competitor.

Now, this company in Omaha, Nebraska, wrote to the Center for Veterinary Medicine inquiring about the status of that drug and that license and received approval from the FDA to purchase that license and engage in the manufacture and selling of that approved drug. At the appropriate time, Mr. Chairman, I will submit a copy of that letter for the RECORD, but I will paraphrase here.

Director of the CVM says in this letter regarding that license and that drug, "You may rely on this letter to verify the approved status of the product."

That was in about 2002, when they engaged in the manufacture, sale and distribution of this antibiotic. In August of 2003, the FDA, with absolutely no warning, in the rules and regs published the suspension of that license, stating that there was "confusion about the license," which was certainly news to my constituents.

Now, when they asked about the confusion, there was no answer, no clarity provided by the Center for Veterinary Medicine, which left them with one procedural option, which was a hearing. They have still not received that hearing.

Unfortunately, Mr. Chairman, it came to a boiling point this last week when they at last sat down with my constituent. Mr. Sundlof and Mr. Beaulieu, his counsel, sat down, and I will tell you, as reported to me from my constituent and his counsel, it was probably one of the ugliest meetings I have ever heard of from a constituent meeting with a Federal agency and bureaucrats. And, really, it was unacceptable behavior. I will not even mention the phrases and wording that they used because it would violate the House rules.

I felt that probably the best way of dealing with that, since we cannot do anything with bureaucrats that act this way, other than de-fund their positions, was to ask the chairman for some help and some guidance on how to deal with this particular situation; A, the treatment that my constituent received at this meeting, and particu-

larly the problem that he is faced with right now, in having a letter saying you are approved and then a mysterious reversal of that.

So if the chairman has some words of wisdom and guidance for me, I would appreciate it.

DEPARTMENT OF HEALTH
& HUMAN SERVICES,

Rockville, MD, December 17, 1998.

Dr. DONALD A. GABLE,
Manager, Pharmaceutical Regulatory Affairs,
Boehringer Ingelheim Vetmedica, Inc.,
Elwood, KS.

DEAR DR. GABLE: This letter will confirm receipt of your certification letter dated November 17, 1998, as an amendment to your letter dated September 18, 1998, sent to CVM in response to my letter of July 29, 1998. The letter related to NOPTRACIN® MD-50, (bacitracin methylene disalicylate) Type A medicated articles which is the subject of the NADA 141-137.

In accordance with my letter, your certification will be used along with information in our files as the administrative record of an approval for NADA 141-137, which provides for a Type A Medicated Article, Noptracin® MD-50 (bacitracin methylene disalicylate) for use for the indications and under the conditions of use specified in the labeling attached to your letter.

The agency will begin the work of codifying the approval via publication in the Federal Register. This task most likely will be accomplished as part of an action affecting a number of products currently listed in 21 CFR 558.15. We will make every effort to bring this process to a conclusion as rapidly as possible given resource constraints and public health priorities. In the meantime, you may rely on this letter to verify the approved status of NADA 141-137.

If you have any questions concerning the agency's position regarding this NADA and the subject products, please do not hesitate to call me.

Sincerely yours,
STEPHEN F. SUNDLOF, D.V.M., PH.D.
Director, Center for Veterinary Medicine.

DEPARTMENT OF HEALTH
& HUMAN SERVICES,
Rockville, MD, August 28, 1998.

W. L. WINSTROM,
Chief Executive Officer and Chairman,
PennField Oil Co., Omaha, NE.

DEAR MR. WINSTROM: This letter will confirm receipt of two certification letters sent to CVM in response to my letter of July 29, 1998 to Mr. Greg Bergt of your company. One of the letters related to the combination of oxytetracycline and neomycin (subject to NADA 138-939), and the other related to the combination of chlortetracycline, sulamethazine and penicillin (subject to NADA 138-934).

In accordance with my letter, your certification will be used along with information in our files as the administrative record of an approval for the following: (1) NADA 138-939 which provides for two Type A Medicated Articles, Neo-Oxy 50/50 containing 50 grams of oxytetracycline HCl and 50 grams of neomycin sulfate per pound and Neo-Oxy 100/50 containing 50 grams of oxytetracycline HCl and 100 grams of neomycin sulfate per pound for use for the indications and under the conditions of use specified in the labeling attached to your letter, and (2) NADA 138-934 which provides for a Type A Medicated Article, Pennchrol SP 500 containing 40 grams chlortetracycline (as the calcium complex), 40 grams sulfamethazine and 20 grams penicillin (as procaine penicillin) per pound for use for the indications and under the conditions of use specified in the labeling attached to your letter.

The agency will begin the work of codifying the approvals via publications in the Federal Register. This task most likely will be accomplished as part of an action affecting a number of products currently listed in 21 CFR 558.15. We will make every effort to bring this process to a conclusion as rapidly as possible given resource constraints and public health priorities. In the meantime, you may rely on this letter to verify the approved status of NADAs 138-939 and 138-934.

If you have any questions concerning the agency's position regarding these NADAs and the subject products, please do not hesitate to call me.

Sincerely yours,
STEPHEN F. SUNDLOF, D.V.M.,
PH.D.,

Director, Center for Veterinary
Medicine.

Mr. BONILLA. Well, Mr. Chairman, reclaiming my time, the gentleman raises a very, very good issue here that needs attention. This is an issue, however, that up until the last 24 hours was not an issue that we were aware of, although I know the gentleman has been working on it for some time now.

What we would like to do is look into this issue and see what is going on over at the FDA. And I certainly agree that government at all levels must be held accountable for decisions made by its public servants. This may be a case in which accountability is lacking, which is something we should all be concerned about.

So I pledge to the gentleman that we will try to figure out exactly what is going on here so that he gets an appropriate answer.

Mr. Chairman, I believe we are now out of time.

The CHAIRMAN. Time of the gentleman has expired.

Mr. BONILLA. I ask unanimous consent to speak for 1 more minute on this issue.

THE CHAIRMAN. The gentleman from Texas may strike the last word, if he wants to, an additional time between amendments.

Mr. BONILLA. Mr. Chairman, I move to strike the last word in the event the gentleman from Nebraska (Mr. TERRY) has any additional information on this.

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

Mr. BONILLA. I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I appreciate the gentleman yielding me this additional time and the effort he and perhaps the appropriators may extend to see if we can change the dynamic here.

And I might note, Mr. Chairman, that the gentleman from Iowa (Mr. LATHAM) is also apprised of this situation.

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

Mr. BONILLA. I yield to the gentleman from Iowa for a brief comment on this matter.

Mr. LATHAM. Mr. Chairman, I became aware of this over the past year; and it is a very, very important issue that the gentleman from Nebraska is trying to deal with. When we have bureaucrats that are not responsive to

constituents, and without any valid reason, certainly it is something we should all be very concerned about and would support his efforts in any way possible.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman from Iowa and the gentleman from Nebraska.

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CHABOT:

At the end of the bill (before the short title) insert the following new section:

SEC. ____ . None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 10 minutes.

The gentleman from Ohio (Mr. CHABOT) is recognized.

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

Mr. Chairman, each year, through the Market Access Program, known as MAP, Congress gives tens of millions of dollars away to industry groups to advertise their products in other countries. It is called the Market Access Program because it sounds better than the corporate welfare program. But, Mr. Chairman, it is, in actuality, one in the same.

This year, the Department of Agriculture is doling out \$125 million of the American taxpayers' money to various groups to advertise their wares overseas. Well over \$1 billion has been given away in the name of market access or market promotion over the years; this amid record budget deficits and a still-recovering economy.

So who is getting money from MAP, and how much are they getting? The U.S. Meat Export Federation is getting \$10.6 million just this year. Pistachio, prune, papaya, pear, pet food, and popcorn groups are all getting handouts, \$5.9 million. As is the Ginseng Board of Wisconsin, a little over \$5,000. And the National Watermelon Promotion Board, \$133,952.

Now, these groups should advertise. I think it is good they are advertising their products overseas. And if they sell them, that helps in this country. But it ought to be done with their money and not with the taxpayers' money.

Supporters, of course, will claim this so-called business and government partnership creates jobs. However, studies by the GAO indicate that this program has no discernible effect on U.S. agricultural exports. Further, it gives money to companies that would

undertake this advertising without this unwarranted government subsidy.

Let me give one example of the kind of outrage that this program generates. While I have used this illustration before in past years when we have tried to get rid of this program, unsuccessfully I might add, unfortunately, I would like to use it again. I think it really does bear repeating.

Many people probably remember the popular "Heard It Through the Grapevine" raisin commercial, sponsored by the California Raisin Board. Well, based on the success of the commercial, MAP decided it would be a good idea to use that commercial to attempt to boost raisin sales in Japan and put \$3 million into this project. Unfortunately, however, the ads, first of all, were in English, leaving many Japanese unaware that the dancing characters were raisins. Most thought they were potatoes or chocolate. In addition, many Japanese children were afraid of these wrinkled misshapen figures. They were actually frightened by these things on TV.

If this were not such a colossal waste of taxpayer hard-earned money, it would be funny. However this is the kind of wasteful spending that inevitably occurs when we give someone the ability to spend someone else's money. That is what this program does. Again, I am all for these groups advertising their products and selling them overseas; but they should do it with their money, not with taxpayer money.

Mr. Chairman, this is a simple, straightforward amendment. It would simply stop the Department of Agriculture from funding the MAP program. It would save the taxpayers' millions of dollars, as much as \$200 million annually by 2006.

Back in 1996, we reformed welfare for the poor. I think it is about time that we reformed or, in this case, got rid of welfare for the wealthy. I urge my fellow Members of Congress to join me and also the gentleman from California (Mr. ROYCE) and many others, including the National Taxpayers Union, Citizens Against Government Waste, Taxpayers for Common Sense, and U.S. PIRG, in casting a vote for the overburdened American taxpayer. I strongly urge support of this amendment.

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

Mr. BONILLA. Mr. Chairman, I claim the time in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, I recall in the previous administration they cutely coined the phrase "corporate welfare" any time there was any attempt by this institution or others in this country to fall on the side of free enterprise and the private sector. So I think this is one of those occasions where that phrase is being exploited to a great degree.

I want to point out that there are many positive aspects of the Market Access Program. The fiscal year 2005

funding level on this program authorized by the farm bill will be \$140 million from the Commodity Credit Corporation to help initiate and expand sales of U.S. ag products: fish and forest products overseas.

Rural American farmers and ranchers are the primary suppliers of commodities that benefit from MAP. All regions of the country benefit from the program's employment and economic effects from expanded agricultural export markets. So there is probably not a State in this Nation that does not see a direct benefit from this. Ag exports are expected to reach a record \$61.5 billion this year. There are well over 1 million jobs related to ag exports. This program goes a long way towards making sure American ag products have export markets.

Mr. Chairman, for those that argue there is corporate welfare, to use that cute phrase again, it is accurate that agricultural co-ops and small companies can receive assistance under the branded program. To conduct branded promotion activities, individual companies must provide at least 50 percent funding.

□ 1545

So it is not simply a complete giveaway, as might be indicated here. For generic promotion activities, trade associations and others must meet a minimum 10 percent match requirement. Participants are required to certify that Federal funds used under the program supplement, not replace, private sector funds. Many regulations limit the promotion of branded products in a single country to no more than 5 years.

Those are the facts. This is a program that has been around for some time, and we feel it has worked very well for the American people.

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

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

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the authorizing committee.

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

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment. We are engaged in negotiations with the Europeans and others around the world on trade and to pass this amendment and to effectively unilaterally disarm when we are already outspent by a 10-to-1 factor would be a serious, serious mistake.

The United States spends about \$200 million promoting our agricultural exports. This does a great deal of good because we are by far the world's leader in agricultural exports. This year, the Department projects we will export \$61.5 billion in agricultural products. This is a tiny, tiny fraction of that. At the same time, the European Union, which exports a far smaller amount of

their agricultural production, will spend \$2 billion on agricultural exports.

For us to abandon the field with this relatively modest program that helps cooperatives and other groups that do not have a name brand label product necessarily but often have a commodity that they are trying to market and sell in other countries, to take that opportunity to have a successful public-private partnership, and that is what this is, because the agricultural groups contribute 50 percent of the cost of these programs, would in my opinion be a serious, serious mistake and cost many American jobs if we were to eliminate this program.

This is an important, cooperative way to promote American agriculture overseas. I urge my colleagues to reject this amendment which I think is very misguided and would be very counterproductive to our trade negotiations with other nations around the world who have far, far higher agricultural subsidies than the United States does.

Mr. CHABOT. Mr. Chairman, I yield myself 30 seconds.

I just would like to respond with one thing. We had a letter here which I thought was by the National Taxpayers Union which said a lot of interesting things, but one thing I would like to read from it says:

“The more U.S. taxpayers are forced to support unnecessary and economically dubious programs such as the MAP, the less credibility our Nation has on adhering to free trade principles.”

I think even though the Europeans do it does not necessarily mean that that is right. Oftentimes, that means it is not the policy to follow. I think the United States should set an example. I think this program should be defunded.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM), the ranking member of the authorizing committee.

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the amendment and associate myself with both chairmen's comments.

Right now, we are in some serious negotiations on the current Doha round of the WTO agreement. As the gentleman from Virginia (Mr. GOODLATTE) made the comment a moment ago, I want to repeat it. It makes no sense for us to unilaterally disarm ourselves when we are in the process of negotiating the next round of trade agreements.

Also, I have to chuckle sometimes when I hear other groups who suddenly become experts on everything that is done or not done in agriculture. Right now, we are in an international marketplace in which we have to compete with other governments. I first became aware of this over 20 years ago when it affected the poultry industry and when we found turnkey jobs being offered to anyone that would buy their chickens. We had folks that were willing to pay for turnkey jobs for everything from

the feeding, to the growing, to the processing, to the selling, to the promoting. We had this same argument year after year in which for some reason we have been refusing to stand shoulder to shoulder with our businesses in that international marketplace.

If we could isolate it, then the gentleman is correct with his amendment. But when one looks at it from the standpoint of the negotiations that we are now going through, it makes no sense whatsoever for this body to unilaterally disarm those producers of commodities that are trying to compete in an international marketplace and the only help they get is this small amount which is given through the MAP program.

I ask my colleagues to oppose this amendment. Let us give our negotiators a chance, and if by chance we can negotiate away all Federal help by all governments everywhere in the world to do this, then I will be the first one standing here on this floor saying, let's do it. But today let us not do it.

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

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I thank my friend for yielding me this time.

I have a great deal of respect for my friend from Ohio that is offering this amendment, but on this one I think he is wrong. I want to associate myself with the ranking member and the chairman of the Committee on Agriculture but specifically with the ranking member when he made the observation that we are in a global economy. I think that is the issue that we ought to be focusing on when we talk about agriculture in general.

There has been a great deal of talk in the past as we enter into these trade agreements with the President with the trade promotion authority of putting the ag sector at a much higher level than it has been with the past trade deals. That is what we have to keep in mind, because I believe agriculture as a whole in the past has gotten the short shrift on these past trade agreements.

There has been criticism of this program in the past where it has gone to big corporations. That was changed back in 1998, and now the principal beneficiary of this MAP program are specialty crops. Specialty crops by definition do not have the great deal of support behind them to market their products. My district is full of specialty crops. To some, it may be big industry, but they are specialty crops, like apples. The apple industry uses this immensely. The potato industry in the Northwest, Idaho, Oregon and Washington, use this to market their raw products and their processed products. The hop industry, which is very small in my district but large nationwide,

uses this overseas, as does the cherry industry. They are all the beneficiaries of this program.

I think as we go forward with these trade initiatives that the President is talking about in other areas this is a tool that the ag sector can use, and now is the time I think to continue funding. As a matter of fact, the farm bill authorizes more than what we are appropriating in this bill. We recognize the tight budget conditions, but I think this program is important. I urge my colleagues to reject the Chabot amendment and support the MAP program.

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

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

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

Mr. Chairman, I would just conclude by making a couple of points. Although supporters of the program some years ago changed the name, it was MPP, the Market Promotion Program, to MAP, the Market Access Program, and made some other cosmetic adjustments due to pressure from taxpayer watchdog groups, the basic concept and the cost to the taxpayers remain basically the same. The government is dipping into the pockets of hard-working individuals and promoting private corporate entities. Well over \$1 billion has been spent on this program over the last number of years, and studies by the GAO indicate that the MAP program has no discernible effect on U.S. agricultural exports. Further, it basically gives money to companies that would undertake this advertising without the government doing it.

I want to again emphasize I think it is good that these companies advertise and that they sell overseas, but rather than doing it with taxpayer dollars they ought to do it with their own dollars.

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

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

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) will be postponed.

Mr. BONILLA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

In the 2002 farm bill, an exemption from payment of promotion assessments was created for producers of 100

percent organic products. This exemption was established in light of the fact that commodity promotion programs do not focus on or promote organic products, which constitute only a small minority of agricultural production. Organic producers were paying assessments for promotion programs that did not benefit their specialized operations.

Section 10607 of the Farm Security and Rural Development Act of 2002 thus mandated a narrow exemption for producers of 100 percent organic products. The Secretary was specifically required to issue regulations for this exemption not later than 1 year after the date of enactment. Yet more than 2 years after enactment it still has not been implemented. The farm bill was enacted in May, 2002. The regulations should have been promulgated by May of last year, but they were not.

The Department of Agriculture finally issued proposed regulations earlier this year and collected public comments, but final regulations have yet to be issued. When asked for a timetable for their completion, Department officials refuse to identify one.

Mr. Chairman, I am prepared to offer an amendment to impose a spending limitation on the appropriations for the Agricultural Marketing Service until such time as final regulations for this exemption are issued and implemented. But, frankly, organic producers should not have to wait until fiscal year 2005 for relief.

I would ask the distinguished chairman of the subcommittee for his thoughts on getting this problem resolved.

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

Mr. DOOLEY of California. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I thank the gentleman from California for raising this issue today and pledge to work with him to arrive at a satisfactory resolution.

I agree that implementation of this regulation is long overdue and should be concluded immediately. As the gentleman suggests, a spending limitation on the Department's fiscal year 2005 appropriation may well be an appropriate step if the implementing regulations are not finalized in the very near future. I would hope, however, that we could be successful in convincing the Department of the serious need to conclude this matter on an expedited basis. Further delay is simply unacceptable.

Let me assure the gentleman that we will work with him to bring this issue to closure as quickly as possible. If we need to consider additional action as the appropriations process moves forward, we will do so.

Mr. DOOLEY of California. I thank the gentleman for his consideration.

Mr. BONILLA. I thank the gentleman from California.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Page 2, line 9, after the 1st dollar amount insert "(reduced by \$1,000,000)".

Page 34, line 23, after the 1st dollar amount insert "(increased by \$1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 7 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

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

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. BONILLA. I would like to state that we have seen the gentleman's amendment, and if he would like to just move the question, we would be happy to accept it if the gentleman sees fit.

Mr. SANDERS. I thank the chairman very much.

If I may just very briefly tell the Members what the amendment is. I very much appreciate the chairman's support for this amendment. I know the ranking member is also supportive.

Mr. Chairman, all over rural America, we are seeing the decline of family-based agriculture. And while we want to look at the broader picture as to how we can help family farmers in dairy or in any other commodity, I think one way that we can move forward, and I am glad that the majority agrees, is to start emphasizing agritourism. All over this country, in Vermont and in rural America, billions of dollars are being spent by tourists who go to rural areas. Yet, unfortunately, family farmers who in most cases are the folks who are keeping the land open and keeping the land beautiful are not receiving the kinds of funds from the tourists that they should and that they deserve.

To my mind, as we see the decline of family-based agriculture, what we are seeing in Vermont and all over this country is that agritourism is putting hard cash into the pockets of family farmers.

Mr. Chairman, from the experience of my own State, I can tell the Members that there is a lot of support for agritourism nationwide, and I know that there is in this body in a bipartisan way. My own State of Vermont has been working on this concept for many years now, in part with funding provided by the USDA some years ago.

Some of the successes of Vermont's agritourism model include on-farm technical assistance in using the Internet and helping farmers get business through the Internet, setting up cooperative marketing with various commodity groups, the Chamber of Commerce and the Vermont Departments of Tourism and Agriculture. In addition,

a regional marketing Web site was established that received over 40,000 hits in any average month. Vermont's agritourism initiative was highlighted by the travel book company Frommer's. In addition, the six New England States held an agritourism summit to coordinate their efforts in this area.

□ 1600

So, Mr. Chairman, I want to thank the chairman of the committee and the gentlewoman from Ohio (Ms. KAPTUR) for their support of the concept of agritourism, and I very much appreciate that.

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

Mr. BONILLA. Mr. Chairman, we will be happy to support this amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Add at the end (before the short title) the following:

SEC. 7. None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

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

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

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

The Flake-Van Hollen-Platts-Waxman-Bartlett-Doggett amendment prohibits the expenditure of funds for salaries to implement a taxpayer-funded tobacco bailout in this program. This amendment would still permit the Department of Agriculture to implement a program using industry as opposed to taxpayer funds.

The tobacco buyout is simply a bad deal for taxpayers. There is never a good time to spend \$10 billion bailing out tobacco farmers; but in the midst of a war, a deficit, and an economic recovery, now is the worst time.

Unfortunately, Members of this body were not given the opportunity to debate this provision during the recent consideration of H.R. 4520, the corporate tax bill. An amendment I offered with the gentleman from Texas

(Mr. DOGGETT) would have stripped the bailout provision from the bill. However, this amendment was not accepted by the Committee on Rules. As a result, I and a number of my colleagues have no option other than opposing final passage of that legislation. There were a lot of provisions that I liked in that bill. The tax cuts were particularly good, but I voted against it because of this egregious provision, the tobacco bailout.

Today, the House finally has the opportunity to debate the merits of the \$9.6 billion bailout for the tobacco industry.

The Federal tobacco quota system was established as a temporary program during the Depression era and has gone relatively unchanged since then. It was created to control the supply and, in turn, market prices for U.S.-grown tobacco. The quota system has long outlived any usefulness it might have had. Tobacco production in the U.S. has been declining steadily because, among other things, lower-price foreign tobacco is reducing demand for artificially high-priced U.S. product.

Interestingly, current law requires that tobacco growers choose by referendum every 3 years whether or not to continue Federal support of the industry. While the quota system is resulting in the decline of the industry, growers have chosen to carry on with the program. Now we are offering to buy the growers out of the program that they have chosen to be with for the last 3 years, that they have chosen to continue at a cost of \$9.6 billion in taxpayer money. Much of the buyout payments would land in the accounts of the big tobacco companies.

I am also concerned that this proposed buyout would set a bad precedent and that future efforts to end agricultural quota or subsidy programs will come at too high a price for taxpayers. This \$9.6 billion buyout is being touted as a free market solution to the problems resulting from Federal support. Conservative estimates put the value of the Federal buyout at two to three times the market value of the quotas. This is no free market program. The Federal purchase of federally created quotas at two or three times the market price is simply not a free market solution.

For the sake of the taxpayers that we represent, I urge passage of the Flake-Van Hollen-Platts-Waxman-Bartlett-Doggett amendment. I want to say thanks in particular to the gentleman from Maryland (Mr. VAN HOLLEN) for working so hard on this amendment with others.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to join with the gentleman from Arizona (Mr. FLAKE), the gentleman from Texas (Mr. DOGGETT), the gentleman from Pennsylvania (Mr. PLATTS), the gentleman from California (Mr. WAXMAN), and the gentleman from Maryland (Mr. BARTLETT) in offering what really is a very simple amendment that says none of the funds appropriated in this agriculture bill may be used to implement the \$10 billion taxpayer-funded bailout of the tobacco industry.

Less than a month ago, as we know, in this House, we passed a bill that was filled with various special interest tax provisions, and included in that bill was the \$10 billion bailout paid for entirely by taxpayers. Some call it a buyout. I call it a sellout of the American taxpayer. And this House never had an opportunity at that time to vote on that issue, and now we have that chance.

Just think about what we are saying to the American people. At a time when we are running huge deficits in this country, at a time when Congress is telling schools around the country we cannot fully fund No Child Left Behind, at a time when we are not meeting the requirements of the Homeland Security Department agencies, at that very time we are asking taxpayers to foot the \$10 billion bill for a tobacco bailout. Talk about misplaced priorities.

And what are the consequences of a taxpayer-funded bailout to the big tobacco companies? They are going to get cheaper tobacco; and as a result, they will reap a big windfall. According to Agriculture Department economists, they will reap \$15 billion in windfall profits over the next 14 years. In addition, economists will tell us, as a result of this bailout action, they will lower their prices and the result will be many more young people who get hooked on nicotine.

And what do the big tobacco companies do to get this taxpayer benefit? Nothing. They do not have to do anything. They do not have to put in a nickel. They do not have to submit to any additional regulations.

We now have before us an opportunity on a bipartisan basis to say we are not going to spend taxpayer dollars for a \$10 billion bailout.

I want to make a point that I think is important to many Members. This would allow a buyout to go forward not using taxpayer dollars. There is legislation, bipartisan legislation, that has been submitted before this House and before the Senate that calls for a buyout of some of these interests. However, in all those bills, the provision requires that it be funded not by the taxpayer but from other sources. That is all this amendment does. It says none of the funds in this bill can go for a taxpayer-funded bailout. It leaves open the option, the opportunity for other legislation to pass that would be similar to that that has already been introduced on a bipartisan basis.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I appreciate the opportunity to speak on this amendment; and I would say, Mr. Chairman, that this amendment to me makes no sense to be even part of this debate because if we are talking about a buyout provision to end the Depression-era program that is in the FSC bill that has passed this House, this language will have no bearing on that because, in fact, there is no money coming from the Agriculture Department to fund the provisions that we called for in the FSC bill, Mr. Chairman. So that is why I am standing here in opposition to the amendment, because it has no place on this bill. It does not impact anything we did on the FSC bill to try to effect the tobacco buyout.

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I rise in support of this amendment.

This amendment sends a clear signal that we will be economic conservatives, that we will protect the public treasury, that we will also respect the private buyouts and the private settlements that have already happened with a substantial amount of funds already going to the tobacco industry States and tobacco growers. This amendment stands for the principle that if we buy out, then they should cease producing tobacco, which under the tobacco buyout does not happen. And for all of us as good protectors of the public FSC, it is incumbent upon us to stop new government programs and to make sure we restrict government spending especially at this time when our government budget is in the red.

We know there is an unfunded liability for Social Security. We know there is an unfunded liability for Medicare. It is very important for us then to restrict public spending so that we can honor the promises to the American people, especially for retirement security and health care, that we have already made.

I applaud the gentleman for putting this together. I apologize to my subcommittee chairman, who I know personally is a rancher and does not have a personal stake in this issue; and I applaud the gentleman for offering the amendment. I urge its adoption.

Mr. BONILLA. Mr. Chairman, I yield to a large number of Members who will ask for unanimous consent agreements; and I also note, Mr. Chairman, that in each case there will be an alternate from the majority and the minority to show strong bipartisan opposition to this amendment.

I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. ROGERS).

(Mr. ROGERS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, the irony here is enormous. Today we are hearing from anti-tobacco advocates who: want to keep the federal government in the tobacco business; want farm families to stay hog-tied to the tobacco industry; are pushing for the continuation of the tobacco program, not the ending of the tobacco program.

This Amendment seeks to prevent USDA from eliminating the federal tobacco program.

Every day, the Gentleman from Arizona comes down here to the well of the Floor to complain about the size of the federal government; the number of federal programs; and the fact that government bureaucracy is handicapping U.S. enterprise.

On these principles, I agree with him. However, I find it ironic that my colleague is now offering an amendment that will do the very thing he claims to vehemently oppose.

The bipartisan House-passed tobacco provisions will: Permanently eliminate a depression-era federal program; Get the Government out of the tobacco growing business; Allow U.S. growers to compete on the free and open market; Stop market share losses to Zimbabwe, Brazil, and China.

The tobacco provision will not: Bankrupt the federal government, as it is entirely offset through the extension of customs fees; Dramatically increase teen smoking.

There's absolutely no correlation between smoking and the buyout.

I urge my colleagues to reject this amendment and support family farms and ending the federal tobacco system.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. ETHERIDGE).

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

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition on behalf of the farmers who for years have made a contribution, and now they are asking for an opportunity for a way out to save their way of life. And I am embarrassed that people that have no farmers and do not understand the program are the ones who are in support of the amendment.

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

As I understand the gentleman's intention, he wants to prohibit USDA from implementing a tobacco program buyout if it is funded from taxpayer dollars out of the general fund.

When tobacco members first began working on tobacco buyout legislation, our intention was for the tobacco companies to finance it.

In fact, I along with Congressmen Fletcher, MCINTYRE and GOODE, introduced a buyout bill last year, H.R. 3160, which would have funded a more generous \$15 billion buyout paid for through user fees on the tobacco companies.

The vast majority of tobacco state members endorsed that proposition by cosponsoring the bill.

Buyout legislation pending in the other body would also have the companies pay for it. It has the support of every single tobacco state Senator, Republican and Democrat alike.

But financing the buyout from current tobacco excise taxes was the only way the Republican leadership would support a buyout.

Despite promises to the contrary, the Republican leadership never let H.R. 3160 see the light of day.

They did not believe tobacco companies should pay for a buyout, so they kept our bill bottled up.

Let me be clear, the buyout provisions the House included in the corporate tax bill Congress passed last month are not perfect, but as I said then, beggars can't be choosers.

Since 1997, tobacco quota has been cut by more than 50 percent. Consequently, farm families have seen their incomes cut by more than half.

My tobacco farmers need a buyout in order to have an honest chance to survive.

They don't care if it is paid through current excise taxes, new excise taxes, user fees, assessments, whatever.

They don't even care if it has FDA. All they care that it gets done this year.

The time for action is now. I urge my colleagues to oppose the Flake amendment, and let's move forward on an issue of great importance to North Carolina and other tobacco producing states.

Vote "no" on the Flake amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Tennessee (Mr. JENKINS).

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

Mr. JENKINS. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. MCINTYRE).

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

Mr. MCINTYRE. Mr. Chairman, I rise in strong opposition to this amendment. This is not a bailout. It is a buyout. And if we do nothing, it will be a wipe-out for our farmers.

Mr. Chairman, I rise in strong opposition to the Flake Amendment.

By combining the American Jobs Creation Act with the Fair and Equitable Tobacco Reform Act, which I had the privilege to coauthor with my friend from Tennessee, BILL JENKINS, we have created trade opportunities for American farmers and prevented our farm jobs from going overseas. The tobacco market reform legislation will create tens of thousands of new jobs in rural areas throughout the South and Midwest.

This ill-advised amendment would jeopardize that monumental agreement.

The current federal tobacco price support system is the last Depression-era farm program in America! It is time to get out of the 1930s.

The current federal tobacco policy was created during the Depression to manage the price and supply of tobacco. And, in the beginning, the price support program was effective. But, the world of tobacco production has dramatically changed. Our federal tobacco policy, unfortunately, has remained the same: too many farmers producing less and less tobacco in an overly-bureaucratic, government-controlled system, unable to respond to market pressures and opportunities.

This is not a "bailout", it is a "buyout", and if we continue to do nothing, it will be a "wipe-out". What if your income was cut by 50 percent like the farmers have suffered over the last 5 to 6 years? That's exactly what has happened! Why? Because the U.S. Secretary of Agriculture has the authority to set the quota each year. And, the farmers could be facing another 20 percent to 30 percent quota cut to their income later this year.

Tobacco produces 6 to 7 times the cash that other crops do. You can't tell a farmer simply to grow something else. With the average tobacco farm size being 19 acres, a farmer does not have 6 to 7 times the acreage to grow other crops to make up the difference.

Under current federal tobacco policy, American farmers lose, while farmers in countries like Brazil win. For example, when political instability in Zimbabwe opened up a 350 million pound opportunity for tobacco farmers, it was Brazil—not the United States—that took over hundreds of millions of pounds of tobacco production from Zimbabwe.

The American Jobs Creation Act, coupled with tobacco reform, ends the Depression-era price support program, buy back the federal property interest from quota holders and allow farmers to make the decision to stay in tobacco production under the free enterprise system or get out. And, this gets the government out of the tobacco business!

A vote for the Flake amendment is a vote against this important legislation that passed this body overwhelmingly on June 17, 2004, and is currently awaiting action by the Senate.

The American farmer is not the only one who suffers from this outdated federal tobacco policy. Banks and mortgage Brokers; Grocery stores and Gas stations; Fertilizer distributors and Farm equipment dealers; Automobile dealerships and Academic institutions, and the ripple effect on local, regional, and state economies is devastating for all types of restaurants and retail businesses everywhere. All sectors of the southern economy depend on the cash flow from tobacco production. Tobacco farmers' problems don't stop at the farm. It is not only the farmers' issue, it affects the entire community!

Our farmers and our rural, regional and state economies have suffered for too long under a government program that left them with an uncertain outlook to the future. It is time for the uncertainty to end!

Don't turn your back on the families and rural communities across our Nation by voting for this amendment. This is the time to get the federal government out of the tobacco business and let the farmers have freedom of choice—not a government mandate that dictates how much a farmer can earn or lose. We would not stand for that for any other vocation in our society. It is time for the discrimination against farmers to end.

Give them a choice! Get the government off their backs and out of their pockets. Do what's right, and stop the uncertainty for everyone—the farmer and his children, the government, and the American Taxpayer!

I urge my colleagues to vote against the Flake Amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. COBLE).

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

Mr. COBLE. Mr. Chairman, this is a devastating amendment. It is not a big buyout for big tobacco nor for tobacco farmers. I urge defeat of the amendment.

Mr. Chairman, I rise in strong opposition to the Flake/Van Hollen Amendment.

A tobacco buyout is of vital importance to tobacco farmers in the Sixth District of North Carolina. These farmers are desperate to get out of a Depression-era system which makes the cost of growing tobacco in the United States greater than non U.S. production. When in my district, almost daily I see the disastrous effect this Depression era government program has on farmers.

Opponents who argue a tobacco buyout is a bail-out for big tobacco are dead wrong. This is not big tobacco getting a tax-break, this is tobacco farmers receiving benefits that are due to them because of a government program created in the 1930's. Tobacco companies have grown to rely on foreign imports of tobacco to manufacture their legal product because the inflated price of U.S. tobacco which is directly attributable to the quota system. Eliminating the quota system levels the marketplace for U.S. tobacco farmers and enables them to compete in the world market.

Second, the authors of this amendment mistakenly purport that a buyout is funded by general tax revenues. This is also inaccurate. The federal excise tax on tobacco accounts for approximately \$7.5 billion dollars annually \$37.5 billion over five years. These taxes are paid by consumers of these legal products, not by all taxpayers. My point is our government realizes excessive amounts of revenue compliments of a tax on the tobacco industry. We simply seek nine point six billion dollars over 5 years in return to save growers and communities that support tobacco production from economic devastation.

Some may argue this is an unnecessary expenditure, and my friends, I tell you your commodity is next. This amendment sets a dangerous precedent for all agriculture commodities and could have an adverse impact on regional and national commodities seeking compensation in the future.

A vote in support of this amendment would prevent the United States Government from exiting tobacco production. Sounds strange, I agree. Considering the tobacco debates on this floor in the past, I am surprised to see some of my colleagues supporting the continuation of a government controlled federal tobacco program. Let the free market work itself out and give my tobacco farmers a chance to succeed. I adamantly oppose this amendment and I urge my colleagues to do the same.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. CHANDLER).

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

Mr. CHANDLER. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, communities across my home state of Kentucky are dependent upon the income from the production and sale of tobacco. While the federal tobacco program has served our farmers well for generations, the changes brought about by direct contracting with manufacturers, litigation with the tobacco

industry, and reductions in the tobacco quota have made a buyout option necessary. The reality of tobacco's decline, thousands of lost jobs and billions in lost economic activity in my state alone, extends well beyond the farm to affect virtually all of my constituents and their families.

The buyout provision we sent to conference last month would give tobacco farmers a chance to compete with foreign sources of less reliable, lower-quality tobacco. Plus, its payment assistance would make it easier for those farmers who wish to transition to another crop or vocation, while adding jobs and money to rural communities and families. This buyout would allow those who have borne the brunt of increasingly bleak market conditions to make a fair break from this 1930's program and continue to make a living.

For six years, our growers have had one simple request: passage of a fair buyout bill that reflects the new economic reality they live in. Instead, all they're heard back is news of quota cut after devastating quota cut, with no relief in sight.

This may be the last chance for the farmers in my district, and districts all over rural America. Buying out the antiquated tobacco program is a common sense solution for farm families that have, for too long, borne the brunt of bad politics and even worse economics. This buyout is absolutely critical to give these hard-working families and their communities an honest chance to survive.

Time for action is quickly running out. Our growers simply cannot face another year without action.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Kentucky (Mr. LEWIS).

(Mr. LEWIS of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I would like to express my strong opposition to the Flake/Van Hollen Amendment offered during consideration of the FY05 Agriculture Appropriations bill. This amendment is counterproductive, potentially prohibiting USDA employees from administering a Federal tobacco buyout.

The Flake/Van Hollen Amendment significantly compromises the legislative process by using an appropriations bill to legislate on an unrelated free-standing bill, aiming to reverse funding parameters on legislation that has yet to become law.

The House passed version of H.R. 4520 calls for a quota buyout funded solely by tobacco tax revenue. Over \$30 billion in combined Federal, State and Municipal tax revenue are raised each year from users of tobacco products. Utilizing these funds establishes an equitable buyout plan that would provide tobacco generated revenue for tobacco farmers.

Those of us who represent tobacco growing states have been working on a bipartisan basis for over two years to end the depression-era price support system. The quota system, governing the price and supply of tobacco, has not been overhauled since 1986. Since the late 1990's, burley tobacco quotas have been cut in half, causing significant financial loss for family farmers who currently

earn less than half the amount they could have earned only five years ago. A tobacco quota buyout is the best option Congress can provide to protect their futures and ensure the prosperity of state and local economies.

With a tobacco reform package, farmers can move beyond tobacco. By ending the quota system, economists anticipate as many as two-thirds of current tobacco farmers would exit the business, without increasing taxes or the national debt.

The Flake/Van Hollen Amendment attempts to impede the long-awaited relief American farmers need as part of Congress' effort to replace lost jobs and revitalize thousands of communities across the Nation who depend upon tobacco farming for their economic stability.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. GOODE), a distinguished member of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee of the Committee on Appropriations.

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

Mr. GOODE. Mr. Chairman, I rise on behalf of thousands upon thousands of small farmers and small quota holders across the southeastern United States, primarily, and urge opposition to this devastating amendment.

Mr. Chairman, although it is questionable that the Flake amendment would have any impact on the payment of proceeds from the Federal Treasury, which receives billions of dollars annually from federal tobacco taxes, I still oppose this amendment because the proponents of the amendment regularly slam tobacco country and do not understand the tobacco buyout provisions in FSC/ETI, which will largely aid thousands of small quota holders and tobacco producers in the southeastern United States. I believe that the proponents have let their hatred of tobacco cloud their thinking in proposing this amendment. I still hope that the FSC/ETI legislation, which included tobacco reform legislation, will go forward in the Senate and that the measure will be passed and signed into law by the President so that many quota holders and growers can gracefully exit the current tobacco program and so that those who wish to continue growing tobacco can have an opportunity to compete with foreign tobacco.

Mr. BONILLA. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from North Carolina (Mr. BURR).

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

Mr. BURR. Mr. Chairman, I rise in strong opposition to this misguided amendment.

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

As the entire House of Representatives can see, there is strong bipartisan opposition to this amendment, and it is a tribute to the Members for coming down here and expressing their strong views.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PLATTS).

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Mr. PLATTS. Mr. Chairman, I thank the gentleman for yielding me time. I want to commend him and the gentleman from Maryland for their sponsoring this amendment.

Mr. Chairman, I am pleased and proud to be a cosponsor of this amendment. I respect all Members' opinions, but I do take exception to the premise that we who maybe do not have tobacco growers have no business offering an amendment that deals with the expenditure of \$9.6 billion of our taxpayers' funds. I think we have every right to offer this amendment.

It is important to recognize that there are other proposals that would allow this quota system to end, allow for these small tobacco farmers to be adequately compensated for that right they have in these quotas, but it would be done in a way that is more responsible and that the beneficiary of the buyout, the tobacco industry, which CRS, Congressional Research Service, says will benefit to the tune of about \$15 billion over the next 10 years, that the tobacco industry will pay for the buyout, as opposed to the American taxpayer.

So I support the amendment. I think it is well thought out, it is reasonable, it is responsible. It is important to note just in the last several weeks two new reports have come out. In one, the latest data tells us that smokers, on average, have 10 years shorter life expectancies than non-smokers, yet we are proposing the American taxpayer pay \$9.6 billion, instead of the industry, to help an industry that shortens the life of users of their products by, on average, 10 years.

I commend the makers of this amendment, I am pleased to stand with them, and I certainly urge a yes vote.

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

Mr. Chairman, I would just like to make a point here that speeches are being made on this floor as though there is some tobacco buyout money in this bill. There is zero money in this bill for any tobacco buyout, zero money. So some of the speeches being given here are about spending something that we are not intending to spend anyway. There is nothing in this bill. I cannot emphasize that any more clearly.

So, as Members start to appear in support of this amendment, again, I hope to any constituent who might be listening out there, they might be asking themselves what are they talking about.

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

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

Mr. Chairman, before yielding to the gentleman from Texas, I would just point out that if there is no money,

why bother opposing this? This is an amendment that seeks to prohibit the expenditure of money. If no money is being expended, we need not worry in any other bills or here.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am pleased to join in a bipartisan group in support of this amendment.

The bill that passed through the House called for \$9.6 billion of taxpayer dollars to be used to pay those who own these quotas for tobacco, and no strings were attached to that dishing out, that handout, of \$9.6 billion. They can just keep on growing tobacco. What is more, the bill favored just a few select growers.

According to an analysis by the Environmental Working Group, more than two-thirds of the money would go to just 10 percent of the recipients. The bill would pay more than \$1 million to only 462 individuals, corporations and estates.

This amendment provides that no taxpayers' money can be used for this purpose. If our colleagues who want support for the tobacco growers want to pay for it, that is something different. But all this bill that passed the House would do is to increase the deficit. So the Flake-Van Hollen proposal before us would be to put in this appropriations bill a restriction not to enforce that bailout, buyout, handout, should it pass.

Now, even the Louisville Courier-Journal said, rather than a buyout, the bill should be called an "entitlement" because "farmers, quota holders, warehouse holders and others would end up getting taxpayer money pretty much just because they are who they are."

Well, I do not think that is the American way, to take the tax dollars of hard-working Americans and just give it to people, billions of dollars to them, just because they are who they are.

So I think it is important to adopt this amendment, to let people who want to do something along these lines come back with a better proposal. And if they stick with the proposal that we were not even allowed to have a vote on in the FSC bill, then they will find that this restriction, should it become law, will not allow the Department of Agriculture to disburse the funds.

Mr. Chairman, I urge support for the Flake-Van Hollen amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Tennessee (Mr. GORDON).

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

Mr. GORDON. Mr. Chairman, I rise in opposition to this amendment, and would like to quickly remind my colleagues that this is not an amendment that is about smoking. I recognize a lot of folks understandably have concerns about smoking. But if this amendment passes, there will not be one less cigarette sold in this country.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Tennessee (Mr. DAVIS).

(Mr. DAVIS of Tennessee asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Tennessee. Mr. Chairman, I would like to extend my remarks on the record. The gentleman from Tennessee (Mr. GORDON) certainly is correct. This does not control smoking. I rise in opposition to this amendment.

I thank the Chairman and rise in strong opposition to this amendment that has the potential to devastate the rural tobacco farmers in Tennessee's Fourth Congressional District, which I have the privilege to represent.

Our great country got its first start, and in fact, market edge in the global economy thanks to tobacco growers. Tobacco was America's first true international cash crop, and helped establish America as the best agriculture country in the world at a time when the early settlers were struggling for survival. Unfortunately, in the last five years, we have seen quota cut by more than 50 percent, which has drastically decreased tobacco income and devastated our small farmers and growing communities. It is absolutely wrong that our tobacco farmers are being unfairly handicapped by the last remaining depression-era quota system and the availability of cheap farm labor in countries like Brazil and Turkey. Given this reality, it made perfect sense to vote on a Tobacco Buyout Provision in a bill that dealt directly with international business and markets.

I am also confused by the arguments that this will not help small farmers. The facts show otherwise. The average buyout payment, averaged over all 436,719 eligible individuals, is less than \$4,400 per year. The average quota owner now only owns about 2,000 pounds of quota. The average acreage among all U.S. tobacco farms is only 7.5 acres. In my State of Tennessee the average tobacco farm is 4.4 acres. I wish it was more. I wish my small, rural farmers had more acreage, and more quota, and could still survive growing what was once the most valuable crop in the country, but because of the current system they can't.

Finally, the tobacco buyout is about creating new economic opportunities for communities that have been devastated by the quota system. 39,500 farming jobs have been lost due to changes in the tobacco sector. This buyout provision would bring \$2.7 billion per year in additional economic activity to the six major tobacco states, and would create more than 26,000 new jobs. With the \$65 million in total buyout payments for my constituents, we would see a net change in economic activity in my district roughly equal to \$85 million. This is why I supported the tobacco buyout, and this is why I must strongly oppose this amendment.

Mr. BONILLA. Mr. Chairman, I yield for the purposes of a unanimous consent request to the gentleman from Kentucky (Mr. WHITFIELD).

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

Mr. WHITFIELD. Mr. Chairman, I certainly want to commend the gentleman from Arizona for being concerned about our deficit, but this is not the proper place for it. Our farmers for many years have had this quota, a legal quota. They now see it being diminished by forces beyond their control. I would like to voice my strong opposition to the Flake amendment.

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

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

Mr. Chairman, before yielding to the gentlewoman from California (Mrs. CAPPS), I would like to point out the comments of the gentleman from Tennessee about this not being about smoking. That is exactly how I feel. This is about the expenditure of taxpayer dollars. This would still allow the expenditure of industry-funded bailouts, simply not taxpayer dollars.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank my colleague for yielding me time, and I rise in support of this amendment.

Almost 400,000 children have become regular smokers in 2004 thus far. 124,000 of them will die prematurely because of their addiction. As a former school nurse, I can tell you the effects of smoking are devastating on our youth and on all Americans. The Surgeon General recently released a report showing smoking to be even more deadly than we had previously believed.

This is something we can and should do something about. Part of the answer may be buying out tobacco farmers, but only if it is done properly, as part of a proposal to give the Food and Drug Administration the authority to regulate tobacco.

Unfortunately, last month this House included in the FSC tax bill a provision to just give almost \$10 billion in taxpayer money to tobacco companies without getting any public health benefit. The bill would not guarantee the exit of tobacco farmers from the market. It would actually result in more smoking, because the price of cigarettes would go down. That is not the way to deal with a problem of this enormity.

In the other body, there has been considerable debate about passing a comprehensive approach that would improve public health and also provide assistance to struggling farmers. We should embrace such a proposal in this body, instead of just giving another payoff to big tobacco.

Mr. Chairman, I urge my colleagues to support this amendment and protect the taxpayers' money.

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

Mr. FLAKE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, we lost about 3,000 people on 9/11. Do you know, Mr. Chairman, how long it took for cigarettes to kill 3,000 people? It took a bit less than 3 days. The loss of those 3,000 people on 9/11 changed our world, and yet, today, more than 3,000 young people will start smoking cigarettes, and more than 1,000 of them will die prematurely.

Where is the outrage? I cannot yell "fire, fire," in a crowded theater, because the logic is that somebody might get hurt trying to get out of the theater.

Let me ask you, Mr. Chairman, does it make any sense that I cannot yell "fire, fire," in a crowded theater, but we can advertise cigarettes in such enticing ways that 3,000 young people will start smoking today?

I contend that somebody from another planet who is coming here in a UFO might not want to land until they learned more about a society that totally changes its world when 3,000 people die, but they do not seem to care when, the last year for which I saw data, 472,000 people died from smoking cigarettes.

Mr. Chairman, if we are going to spend \$10 billion, I would be happy to spend \$12 billion productively to do something about cigarette smoking and the scourge to our country.

Mr. Chairman, I do not know if you know or not, but smoking cigarettes kills more people, is a bigger health problem than addiction to all other habit-forming drugs combined. Where is the outrage? Where is the sense of proportion?

I would be happy to spend \$12 billion if it would do good, if it would reduce some of those more than 1,000 young people out of those 3,000 that will start smoking today that are going to die prematurely from smoking cigarettes.

Mr. Chairman, this amendment sends the right message. Let us vote for it.

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

Mr. FLAKE. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. McDERMOTT).

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

Mr. McDERMOTT. Mr. Chairman, there are two bases on which to go for this amendment. One is the economic one, and one is the health one.

You heard my colleague from Maryland give all the reasons on the health side, but if you look at the simple facts out of the Department of Agriculture, the price supports presently for the tobacco quota system gives the highest yield per acre, \$3,855 per acre in the year 2002. Now, that compares to corn at \$312 an acre, \$215 for soybeans and \$95 an acre for wheat.

This is not an industry that is dying. If this money were going to the little farmers, that would be one thing. But if you look at the distribution, the way this money is going out, it goes to the big people, who also get a break in

their taxes if they sell overseas. So what they are going to get out of this is cheaper production costs and cheaper taxes overseas.

And what do the American people get? Nothing. We get no regulation from FDA, we get no protection for our children, and it costs us \$9.6 billion.

Vote for the amendment.

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

Mr. FLAKE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise to speak in support of this amendment and against the fleecing of the American taxpayer. At this time in our country's history, with soaring deficits, a soaring national debt, and, at the same time, a soaring understanding of the harmful consequences of tobacco, that almost everything tobacco and tobacco smoke touches is harmed, at this time the very notion that the Congress would contemplate taking \$10 billion, that is billion with a B, \$10 billion of taxpayer money and using it to set up a new welfare program for the tobacco industry would be absolutely ludicrous if it were not being seriously considered in this Congress; in fact, considered so seriously that the House has it tucked away in a piece of legislation that has already passed this body and gone to a conference committee.

That is why today's action is so important, because this is the first opportunity that the House has had an opportunity up or down to speak to the wisdom of taking \$10 billion out of the taxpayers' pocket, not to improve public health, not to reduce the deficit, not to reach out and quiet the concern of millions of mothers whose children lack health insurance or to provide assistance to millions of young people who, if they had a doubling of their Pell Grant, would be able to go to college. No, to reach out and take that \$10 billion not for any of those well-defined and worthy purposes but to take that \$10 billion and create a new welfare program.

□ 1630

Who will get the benefit of that welfare? Well, there has been a recent study of that, and we learned that 354,000 people who would be eligible for this new benefit would get about \$1,000 a year out of the program; but that two-thirds of the benefit would go to 10 percent of those who are eligible. One company in Kentucky would get \$8 million.

This is a new welfare program where all the welfare goes to the people at the top and the fellow with the beat-up pickup truck, who some have claimed here today will somehow benefit from that program, is not going to get very much at all. Who will benefit from this program before us is the big tobacco companies. Because the big tobacco

companies will now have a larger supply of tobacco; it will be grown in any State in the Nation; they will have cheaper tobacco as a result of this. And to anyone who says it is not about smoking, I would say this amendment is all about smoking. It is about smoking a \$10 billion hole in the wallet of the American taxpayer that the gentleman from Arizona (Mr. FLAKE) is speaking out against, and it is about the danger that smoking poses to millions of young people and to all of those around them as they become addicted to nicotine.

We attempted to deal with this issue in the Committee on Ways and Means and were denied any opportunity to raise the amendment. The gentleman from Arizona (Mr. FLAKE) and I offered an amendment to the Committee on Rules and were denied any opportunity to consider this. The only reason that this ludicrous welfare program has gotten to this point is through deceit; and today, this amendment attempts to break through the deceit and get at a new plan, a new entitlement program that would pull billions from the American taxpayers and do harm to American health. The gentleman from Arizona attempts to get at that program and put a stop to it once and for all, drive a stake through this very bad idea in which we get no advances in public health, no increased wealth for the Food and Drug Administration, but simply a draw on the American taxpayer.

In short, it is not a job-creation bill for any part of the country; it is a disease-creation proposal that he seeks to put a stop to.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. HAYES).

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

Mr. HAYES. Mr. Chairman, I would simply say hogwash to what the previous speaker said.

I am in strong opposition to the Flake amendment. This is an amendment that would block funding from the Agriculture Department to administer a tobacco buyout. The amendment is not fair for our tobacco farmers and quota holders in North Carolina and across America.

As we all know, the House recently passed the American Jobs Creation Act, which included a tobacco buyout. The most important factor, in fact, is not a new tax or a tax increase and it is not about smoking. We are simply moving 5 cents of the existing tax per pack to pay for a buyout that is badly owed to growers and quota holders whose quotas have been badly reduced.

Mr. Chairman, when I think of a buyout, I think of the folks in the eighth and other districts like Ricky Carter, Junior Wilsa, and Ester Smith, for people who make a living with tobacco and support their families and put their children through college. If

my colleagues support this amendment, they will take away my constituents' ability to continue to do this in the future.

I ask all of my colleagues to vote against the Flake amendment, because we are getting rid of a government program and saving that money. Vote against the amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the remainder of the time.

Just in closing, Mr. Chairman, I would simply say that it has been pointed out again and again here, this does not prevent a buyout. Perhaps a buyout is proper, but it should happen not with taxpayer funds, but with industry funds. So this simply protects the taxpayer.

Mr. BONILLA. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Texas for yielding, and I rise in opposition to this amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. His amendment would seek to prohibit the use of federal funding for the purpose of compensating tobacco quota owners and active tobacco producers for their federally controlled quota. As a Member who represents several thousand tobacco farmers, I can attest that legislation providing a tobacco buyout is critically needed to provide essential relief to the nation's tobacco farmers and to the economies of the rural communities in which tobacco is grown.

Since the mid-1990's, the major cigarette manufacturers have dramatically increased the purchase of tobacco from other countries. As more tobacco has been imported into the United States, less tobacco has been purchased from American farms. As a direct result of the foreign buying practices of the nation's cigarette manufacturers, the quotas assigned to U.S. tobacco farmers, which are automatically set based upon the level of domestic demand for both burley and flue-cured tobacco, have decreased by more than 50 percent since 1997.

Consequently and as a result of circumstances entirely beyond their control, tobacco farmers have lost more than one half of their income producing opportunities, and the buyout legislation has now become necessary. The quota, an asset which is controlled by the federal government, has a substantially reduced value, and its owners and users should be compensated for that asset's value. In today's market, the federal tobacco program is not operating effectively any more, and it is appropriate that we take steps to reform this antiquated system.

In order to accomplish this, Congress should authorize substantial payments to both active tobacco farmers and inactive quota owners. Following the buyout, active tobacco farmers would continue to produce tobacco without the burden of having to enter into a lease of quota from inactive quota owners and the federal government would no longer be in the tobacco business.

Opposition to a tobacco buyout is opposition to the financial interests of the nation's to-

bacco farmers and our rural tobacco producing communities.

The tobacco buyout provisions which were passed by the House are essential for the farmers and communities in my district and throughout the tobacco producing regions of the United States. We should stand united in support of our communities and our tobacco farmers. In view of the economic harm to tobacco farmers which the reduction of the federally governed quota system has caused, it is only appropriate that the Congress provide financial compensation to these farmers, and I urge my colleagues to reject this amendment.

Mr. MEEHAN. Mr. Chairman, I rise today in strong support of the Flake-Van Hollen amendment to prevent taxpayer funds from being used to give a sweetheart deal to Big Tobacco.

The \$10 billion dollar buyout that was included in the FSC bill is paid for out of the pockets of taxpayers. It makes tobacco a legislative chit to be cashed in for an unrelated corporate tax bill rather than dealing with tobacco as it should be: as a public health issue.

If we don't act on this today, cigarette manufacturers could take the entire \$10 billion windfall as profit, or use part of it to lower prices, addicting more children and killing more Americans.

It is no surprise that the Campaign for Tobacco Free Kids and other public health groups consider the no-strings-attached bailout a complete disaster. They join us in support of this amendment.

Senator KENNEDY, HENRY WAXMAN and I have sponsored a bill that would require the FDA to regulate tobacco.

Our bill will save lives and curb youth smoking.

Yet, the buyout would have the opposite effect by increasing tobacco use at the expense of taxpayers.

The tobacco industry is already spending \$30.7 million per day to market and advertise its products, much of it aimed at kids. Should we really be in the business of providing Big Tobacco with an even cheaper product?

We need to pass this amendment to the Agriculture Appropriations bill, reject taxpayer-funded giveaways to Big Tobacco, and pass a strong FDA-Grower buyout bill that isn't funded by taxpayers.

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

The CHAIRMAN. A point of order was reserved. Does any Member wish to make that point of order?

If not, the Chair will put the question.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. KAPTUR: At the end of the bill (before the short title) insert the following:

SEC. . . None of the funds made available in this Act may be used to provide credits or credit guarantees for agricultural commodities provided for use in Iraq in violation of

subsection (e) or (f) of section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

Mr. Chairman, the amendment I am offering today would simply restate existing law, that none of the funds available in this act can be used to provide credit for use in Iraq in violation of our agricultural trade acts. Again, it is a restatement of existing law that the Commodity Credit Corporation cannot make any credit available to any country that the Secretary determines cannot adequately service its debt.

Let us take a look at Iraq, which now owes the United States over \$4 billion. And some people may be saying, well, what does the Agriculture Department have to do with debts owed from Iraq? The facts are, going way back to the 1980s, it was through the Commodity Credit Corporation of the Department of Agriculture that the Saddam Hussein regime was financed, and the \$4 billion in which Iraq is in default falls squarely in our laps in this committee.

I do not favor the forgiveness of those debts. In fact, at the time, and this is recounted in a book called "The Spider's Web," by Alan Friedman, "The Secret History of How the White House Illegally Armed Iraq," there were statements made at the time by James Baker, among others, that these debts would be paid back through oil revenues. And what this amendment attempts to do is to say, we ought to support existing law. We should not permit the Department of Agriculture to extend credits to Iraq. It is a place in transition. There is not a normal commercial environment in which to conduct business. And it is a place still rife with corruption. Sometimes it is hard to know who is friend and who is enemy.

The real question for us, for the USDA, should be: How should normal commercial transactions be handled with Iraq?

The past is prologue. U.S. law was violated in the past when it concerned Iraq, and it was repeatedly used to implement foreign policy objectives that were not known by the vast majority of Members of this Congress or the American people themselves.

The history of U.S. transactions with Iraq has been marked by fraud, deception, manipulation, unreported loans, and outright crime. Rumor has it that the administration is considering using CCC authority again to begin to try to sell products to Iraq. We should ask ourselves, how do we get strict oversight on this potential activity and, frankly, it should not be allowed in a normal business transaction.

Here we have a chart, and this indicates who owes us the \$4 billion. If we

go back to the 1980s and 1990s, booked currently through, this is as of December of last year, it is very interesting who the American taxpayers are being asked to bail out. The Arab American Bank: they got \$394,517,000 from the taxpayers of the United States, and now Iraq wants those debts forgiven. How about the Gulf International Bank. They get \$907 million. They do not sound like a very poor institution to me. How about the National Bank of Kuwait. Why should our taxpayers give them \$297,938? Why should we not get this money back?

Now, it is interesting, there is a little bank here in Texas, First City Texas Houston Bank, they got bailed out by the taxpayers, \$95,469,000. It is sort of interesting to look at who some of the people in place were when these deals were made. How about Kenneth Lay who was on the board of directors? How about James Elkins, Jr., who was chair until 1988? How about Jeff Skilling, who was working in the risk management division of that institution? Why should the American people pay the bill for this?

This is all caught up in the policies that the Department of Agriculture did not want to implement, if we go back to the record and look; and now the American people have bailed out these banks, and Iraq wants forgiveness on this debt. Why do we not go back to the original thought, and that is, let the oil revenues pay this off? Why should we, through our accounts of the Commodity Credit Corporation and the American people, be asked to bail out some of the wealthiest institutions on the globe?

How about Morgan Guarantee Trust Company of New York? \$284,077,000. This is the record, and, of course, the big one, the Banca Nazionale Del Lavoro in Italy, \$810 million. We all know the scandal that was involved with that.

The point is, these are still claims outstanding, principle and interest in default by the nation of Iraq.

My amendment would say, we should not open commercial relations with Iraq until these debts are paid, and all we do in the amendment is to reaffirm existing law.

These are not normal circumstances in which we are dealing. There is uncertainty regarding the condition of the Iraqi economy, the ruling authorities, and a host of other issues that make additional credits risky at this time. And we should not put the taxpayers further at risk. They are already \$4 billion on the hook, having bailed out these institutions that should have paid us in the first place.

At the subcommittee level, we offered a more restrictive amendment which did not receive broad support in the committee; and so we brought back another amendment that merely restates existing law. I would ask the Members to consider my amendment to make sure that we are protected, our taxpayers are protected, and based on

the history with this country that the largest banks in the world not have their hands in the pockets of our taxpayers. So I would ask for support for the Kaptur amendment.

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

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment, and I yield such time as she may consume to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, the gentlewoman from Ohio (Ms. KAPTUR).

First of all, let me state for my colleagues that the report language in the Committee on Agriculture report simply encourages the Secretary of Agriculture to offer a GSM program to Iraq, an action that the USDA already has the statutory authority to take. Nothing in the bill or the report requires the Secretary to take any kind of action contrary to the current law.

Meanwhile, the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) would apparently place unnecessary restrictions on the USDA's use of the GSM program in Iraq.

Now, I know that the gentlewoman has argued that her amendment simply restates current law. Well, if this is the case, then the amendment is completely unnecessary. If this is not true, then the Kaptur amendment puts potential U.S. agricultural sales to Iraq in jeopardy. Jeopardizing U.S. agricultural sales to Iraq is no small matter, because it is no small matter to U.S. farmers and exporters. Almost \$3.2 billion worth of U.S. agricultural commodities were sold to Iraq under the GSM export credit guarantee programs from 1987 through 1990. This included \$579 million worth of rice, \$535 million of wheat and wheat flour, \$301 million of corn, \$257 million of soybean meal, \$169 million of sugar, \$109 million of cotton, \$61 million of dry beans, peas, lentils, and a long list of other commodities, including dairy products, eggs, leather, and lumber.

One recent analysis indicated that U.S. rice farmers alone forfeited almost \$2 billion in sales to Iraq as a result of the embargo against sales to Iraq.

□ 1645

U.S. farmers need the GSM program to be available if they are to have any kind of a realistic opportunity to recapture this key export market. The future prosperity of U.S. agriculture should not be jeopardized by debts piled up by the Saddam Hussein regime.

So, in conclusion, I want to say that I would like my colleagues to oppose this amendment, and I would like them to oppose this amendment primarily because it is redundant and it is unnecessary. Adopting this amendment that would prohibit the use of funds for the violation of one narrow provision of law implies that it is acceptable to use

the funds in the bill to violate the broad array of other laws carried out by the Department of Agriculture.

Mr. Chairman, I yield to the distinguished gentleman from Virginia (Mr. GOODLATTE), chairman of the Committee on Agriculture.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding, and I would like to join her in opposition to this amendment.

This is the amendment that says it is okay to give food to Iraq, but it is not okay to sell food to Iraq. That does not make any sense to me. This is a new Iraqi government, just started. We ought to give the discretion that the law currently allows to the Secretary of Agriculture to make these decisions and not take that away from the Department, and I would strongly oppose an amendment that would harm American farmers.

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

Ms. KAPTUR. Mr. Chairman, I yield 1¾ minutes to the fine gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I support this amendment and urge my colleagues to do the same thing. It is appropriate because, under the act, all the gentlewoman from Ohio is asking is that we comply with existing law. It would be a lot easier if we had an administration that would be more forthcoming about the way this all is being handled.

The gentlewoman from Ohio (Ms. KAPTUR) has requested information, as have others, and this administration has refused to comply with the congressional request for information regarding Iraq. During their hearings, the gentlewoman from Ohio (Ms. KAPTUR) requested basic information about credit guarantees approved for Iraq; and despite USDA's promise a year ago to coordinate with the Treasury Department to provide these records, no information has been forthcoming.

Unfortunately, this is not an isolated incident. I have faced similar difficulties in getting information from the administration about Iraq contracts. It is not just the White House. Yesterday we received some documents from the Defense Department we requested 6 months ago, but DOD still has not sent other documents requested last December.

The gentlewoman from Ohio (Ms. KAPTUR) should get the documents she has requested. She should get those documents if Congress can make informed decisions about extending agricultural credit guarantees to Iraq.

In the meantime, it is essential that the administration comply with existing law as this amendment would have them do.

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

Ms. KAPTUR. Mr. Chairman, I include for the RECORD letters pertaining to this issue.

CONGRESS OF THE UNITED STATES,

Washington, DC, July 12, 2004.

Secretary ANN W. VENEMAN,
U.S. Department of Agriculture,
Washington, DC.

DEAR SECRETARY VENEMAN: We are writing to request information regarding nearly \$4 billion in unpaid credits for the sale of U.S. agricultural commodities to Iraq. The Departments of Treasury and Agriculture have failed to adequately respond to previous requests for this information.

During hearings before the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal 2004, the Foreign Agricultural Service was asked to provide copies of minutes, transcripts, and reports from the National Advisory Council on International Monetary and Financial Policies. Requests were also made for the date, the amount, and specific votes by members of the National Advisory Council for each of the Commodity Credit Corporation Program credit guarantees that were approved for Iraq.

While USDA did participate in many of these meetings, the response was that USDA did not have such records, including the names of its own personnel who may have been involved in these meetings. Instead, it was suggested that the Department of Treasury would have these records. In response to these questions, USDA made a promise a year ago that the Department would work with Treasury to obtain these records. Despite this pledge, no information has been provided. (Fiscal 2004 hearing, Part 7, page 641)

In fact, when the issue was raised again earlier this year in questions presented to Secretary Veneman, the response was the "the Department does not have any additional information." (Fiscal 2005 hearings, Part 8, page 327)

Given that the outstanding debt is nearly \$4 billion in combined principle and interest and that this debt is still carried on the books of CCC, it is very difficult to believe and harder to accept that more detailed records of how these credits were approved do not exist. This is a matter that should be resolved before any additional credit of any kind is extended to be sure that limited resources are being used in the most judicious manner.

Additionally, in response to questions presented to the Foreign Agricultural Service during hearings this year, it was suggested that an IMF debt sustainability analysis was expected by early May, a U.S. Government Country Risk Assessment was expected by early June, and a determination by the Paris Club on debt treatment was expected as soon as this month. (Fiscal 2005 hearings, Part 7, page 922) We request summaries of each of these reports as well.

We ask that you provide the requested documents as soon as possible.

Sincerely,

MARCY KAPTUR,
Ranking Member, Subcommittee on Agriculture, Committee on Appropriations.

HENRY A. WAXMAN,
Ranking Member, Committee on Government Reform.

CONGRESS OF THE UNITED STATES,

Washington, DC, July 12, 2004.

Secretary JOHN SNOW,
U.S. Department of Treasury,
Washington, DC.

DEAR SECRETARY SNOW: We are writing to request information regarding nearly \$4 billion in unpaid credits for the sale of U.S. ag-

ricultural commodities to Iraq. The Departments of Treasury and Agriculture have failed to adequately respond to previous requests for this information.

During hearings before the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal 2004, the Foreign Agricultural Service was asked to provide copies of minutes, transcripts, and reports from the National Advisory Council on International Monetary and Financial Policies. Requests were also made for the date, the amount, and specific votes by members of the National Advisory Council for each of the Commodity Credit Corporation Program credit guarantees that were approved for Iraq.

While USDA did participate in many of these meetings, the response was that USDA did not have such records, including the names of its own personnel who may have been involved in these meetings. Instead, it was suggested that the Department of Treasury would have these records. In response to these questions, USDA made a promise a year ago that the Department would work with Treasury to obtain these records. Despite this pledge, no information has been provided. (Fiscal 2004 hearings, Part 7, page 641)

In fact, when the issue was raised again earlier this year in questions presented to Secretary Veneman, the response was that "the Department does not have any additional information." (Fiscal 2005 hearings, Part 8, page 327)

Given that the outstanding debt is nearly \$4 billion in combined principle and interest and that this debt is still carried on the books of CCC, it is very difficult to believe and harder to accept that more detailed records of how these credits were approved do not exist. This is a matter that should be resolved before any additional credit of any kind is extended to be sure that limited resources are being used in the most judicious manner.

Additionally, in response to questions presented to the Foreign Agricultural Service during hearings this year, it was suggested that an IMF debt sustainability analysis was expected by early May, a U.S. Government Country Risk Assessment was expected by early June, and a determination by the Paris Club on debt treatment was expected as soon as this month. (Fiscal 2005 hearings, Part 7, page 922) We request summaries of each of these reports as well.

We ask that you provide the requested documents as documents as soon as possible.

Sincerely,

MARCY KAPTUR,
Ranking Member, Subcommittee on Agriculture, Committee on Appropriations.

HENRY A. WAXMAN,
Ranking Member, Committee on Government Reform.

Ms. KAPTUR. Mr. Chairman, I yield my remaining time to the gentleman from New York (Mr. HINCHEY), a very able member of our subcommittee.

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

Mr. HINCHEY. Mr. Chairman, this amendment is important, because as we have seen in the past, particularly during the Reagan and first Bush administrations, the Commodity Credit Corporation has been manipulated by those administrations, particularly for illicit purposes.

After the gassing of the Kurds in Halabjah, for example, the administration in 1988 when that occurred took Iraq off of the list of terrorist states and arranged for them to get substantial amounts of funding in a variety of ways, and principal among those ways was through the Commodity Credit Corporation. Probably more than \$4 billion flowed to Iraq through CCC, even though the Commissioner of Agriculture objected to it on many grounds, not the least of which was that they were not likely to be repaid.

Nevertheless, the then Vice President of the United States and others in the White House intervened, and the money was sent. Commodities were sent. We are not sure where they went. Weapons were sent. And now we are confronted with a situation where people take a very sanctimonious point of view.

Saddam Hussein gassed his own people, the Kurds. Yes, he did, and in a very evil way; and 5,000 people or more were killed. What was the response of the American administration? More support through Commodity Credit Corporation, more weapons, more armaments, more chemical weapons. That was the response, and many of those people were in positions of responsibility in those administrations at the time, those same people who are complaining about that sanctimoniously today.

Yes, this is a restatement of the existing law, but obviously the law needs to be restated.

Mr. Chairman, the amendment offered by my colleague Ms. KAPTUR is very simple but also critical.

During the 1980s and early 1990s, the administrations of Ronald Reagan and George Bush sent billions of dollars in CCC funds to the regime of Saddam Hussein.

This money was sent after the United States confirmed that Saddam Hussein had used chemical weapons against the Kurds and Iranians. For example, in November of 1983, the State Department confirmed that Iraq was using chemical weapons daily in attacks against the Iranians. At the same time, \$413 million in agriculture loan guarantees were sent to Iraq. In 1984, despite Iraq's continued use of chemical weapons, the Reagan administration sent Iraq \$513 million in agriculture loan guarantees.

These funds enabled Hussein to purchase more weapons and strengthened his grip on the Iraqi people. Oftentimes, this funding was sent only after top ranking officials such as James Baker and George Bush intervened over the objections of their subordinates. An example of this occurred on October 31, 1989 when Secretary of State Baker personally intervened with the Agriculture Secretary to get him to drop opposition to \$1 billion in food credits for Iraq. The funds were subsequently sent.

These actions clearly were illegal and should never have been permitted.

Ms. KAPTUR's amendment simply restates the restrictions on CCC loans contained in current law, which were violated by previous administrations.

This is extremely prescient because many of the officials responsible for our Iraq policy

when these violations occurred are back in power in George W. Bush's administration. They could probably use the reminder.

On March 16, 1988, Iraq used mustard gas and other nerve agents against the Kurds in Halabjah, Iraq, killing an estimated 5,000 people. This is an atrocity that is used by many, including the President and members of his cabinet, as justification for invading Iraq.

Yet, these same people in both the Reagan and the first Bush administrations worked to increase aid, cooperation, trade and intelligence-sharing with Iraq after the gassing occurred after these atrocities occurred.

Secretary of State Colin Powell was Ronald Reagan's National Security Adviser when the Kurds were gassed.

Deputy Secretary of Defense Paul Wolfowitz was Under Secretary of Defense for Policy from 1989 to 1993.

National Security Adviser Condoleezza Rice was a director on the National Security Council from 1989 to 1993.

Vice President DICK CHENEY was the Republican whip in the House in 1988 and the Secretary of Defense from 1989 until 1993.

Even Majority Leader TOM DELAY voted against legislation imposing sanctions on Iraq in September of 1988 in response to the Halabja tragedy.

As far as we know, not one of them opposed the massive aid and assistance the Reagan and Bush administrations sent after the Halabja bombing.

I urge the adoption of Representative KAPTUR's amendment to prevent a repeat of the abuse that occurred under the Reagan and Bush administrations.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

Mr. BONILLA. Mr. Chairman, I move to strike the last word and yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Texas (Mr. BONILLA).

I rise today on behalf of the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Florida (Mr. BOYD), the gentleman from Tennessee (Mr. DAVIS) and the rest of the Congressional Rural Caucus to request that as you move forward with this appropriations bill and eventually go to a conference committee with the Senate you will work with the Rural Caucus to increase appropriations for both the value-added agricultural product market development grant program and the rural broadband loan program.

Since being authorized in the 2002 farm bill, the value-added grants program has been the engine that has driven many valuable projects and local entrepreneurs across the country. Unfortunately, this program has been funded well below the \$40 million authorized level every year, resulting in lost opportunities for rural America.

Likewise, the recently created rural broadband loan program is quickly proving to be an invaluable tool to

rural communities in connecting us to broadband technology.

Without access to this technology, rural communities will continue to struggle to become fully integrated into the new economy. We hope you will support these requests as you undergo the difficult task of guiding the fiscal year 2005 Agricultural, Rural Development and Related Agencies Appropriations Bill through this process. I know that you being from the Texas heartland are very sensitive to these rural issues, and I thank you for your leadership on these important issues.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman for raising these two very important programs, value-added grants and rural broadband loans, which are so valuable to rural America, and I will work with the gentleman and the Rural Caucus as we move through this process. And I thank the gentleman for raising this issue.

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

AMENDMENT OFFERED BY MR. HINCHEY

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

THE CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 59, line 4, insert after the dollar amount the following: "(increased by \$500,000)".

Page 59, line 20, insert after the dollar amount the following: "(decreased by \$500,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

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

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

My amendment cuts \$500,000 from the office of the Commissioner of the Food and Drug Administration and adds that money to the FDA's Center For Drug Evaluation and Research. It is my intention that the funds should be cut from the FDA's Office of General Counsel, which is housed in the Commissioner's office, and that those funds be added to the FDA's Division of Drug Marketing, Advertising and Communication, which is located in the Center for Drug Evaluation and Research.

The mission of the Food and Drug Administration is to ensure that the public is protected from unsafe food, drugs and medical products. The FDA's Chief Counsel, however, has taken the agency in a radical new direction, and in doing so has wasted taxpayer money on pursuits that are undermining FDA's basic mission.

For the first time in history, FDA's Chief Counsel is actively soliciting private industrial company lawyers to bring him cases in which FDA can intervene in support of drug and medical device manufacturers. The cases he is

seeking out are private, State, civil litigation cases. These are cases in which the court has not asked the FDA's opinion. These are cases involving drug companies and medical device manufacturers who are being sued by people who have been harmed by their products. This has never happened before, and according to the FDA, it has spent over 622 hours on these cases.

I have also uncovered what amounts to a pattern of collusion between the FDA and the drug companies and medical device manufacturers whom the FDA is defending in State courts. Here are three such cases:

One of Mr. Troy's clients, Chief Counsel for the FDA, Mr. Troy's clients at Wiley, Rein was Pfizer, which in the 3 years prior to his appointment in the FDA paid that firm \$415,000 for services provided directly by Mr. Troy.

In July of 2002, Malcolm Wheeler, an attorney for Pfizer, called Mr. Troy, then FDA's Chief Counsel, and requested that FDA get involved in the private State lawsuit against Pfizer that was ongoing in California. Mr. Troy obliged, and in September, less than 2 months later, FDA through the Department of Justice filed a court brief in support of Pfizer.

That same July, Mr. Troy also had a meeting with Ms. Michele Corash from Morrison and Foerster. Morrison and Foerster, one of the world's largest firms, is based in California. At the time of this meeting, it was representing Glaxo Smith Kline in a private lawsuit in California that revolved around California's Proposition 65, or the Safe Drinking Water and Toxic Enforcement Act. Michelle Corash was the lead attorney in that case. On September 12, less than 2 months after that meeting, Mr. Troy's FDA filed a brief in support of Ms. Corash's client Glaxo Smith Kline.

This pattern continued in 2003. On December 12, 2003, FDA filed a statement of interest in the case of *Murphree v. Pacesetter* in support of the medical device manufacturer Pacesetter. The company was being sued in Tennessee State court for a faulty pacemaker. My office has obtained the letter to FDA dated November 5, 2003, from the law firm of Feldman, Gale and Weber directing FDA on how it should assist its case against the person whose Pacesetter did not work. The firm was representing the Pacesetter.

Another pursuit of FDA's Chief Counsel was his publishing in the *Federal Register* a notice questioning whether FDA's own regulations complied with the first amendment. This notice is troubling because it would surely be used against FDA in lawsuits.

Because of the unusual nature of this action, CRS looked for a precedent, and what it found was this: "We were not able to uncover any similar instance where a Federal agency issued a notice seeking the type of public comment on a constitutional issue and regulatory issue such as this one which was sought out by Mr. Troy."

After receiving 700 filings and spending 600 hours on this matter, the FDA decided to drop it, once again wasting taxpayer money.

But this amendment is about more than just an FDA office wasting money. FDA's Chief Counsel is taking actions to undermine FDA's ability to carry out its mission. He is shutting down avenues used to expose fraud in the drug industry. He is making it easier for drug companies to produce misleading advertisements.

Instead of spending taxpayer dollars to make it easier to defraud the public, the FDA should be protecting the public and its interests.

My amendment would add funds to FDA's Division of Drug Marketing, Advertising and Communication. This division, which consists now of only seven people, is responsible for reviewing the accuracy of prescription drug consumer-directed advertisements. Last year, these seven people reviewed 38,400 such ads. This is a 6 percent increase over the previous year.

However, despite the increase in ads reviewed, the number of enforcement letters sent by FDA to drug manufacturers for false and misleading advertisements dropped 75 percent. They are only doing 25 percent of the work that they did previously. It dropped 75 percent in 2003.

The reason for this drop was not the drug companies suddenly cleaned up their act. In fact, all public information indicates the contrary. The real reason is a conscious effort on the part of the FDA to weaken advertising regulations.

Shortly after the Bush administration took office, FDA's Chief Counsel instituted a policy that all advertising warning letters go through his office, the Office of Chief Counsel.

□ 1700

Prior to this, all letters were sent from the Division of Drug Marketing. So now that they go through the Office of Chief Counsel, we have had this 75 percent reduction in enforcement. This extra money would strengthen FDA's division for drug marketing's ability to identify misleading ads that it sends to the FDA's Chief Counsel's office. It is clear this division is overwhelmed and requires more assistance. I urge support for this amendment.

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

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment. I rise to say we do not have opposition to the amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY). The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the federal share of the administrative costs of any state's operation of the food stamp program that are performed outside the United States, except that the amounts otherwise provided by this Act are revised by increasing the amount made available under the heading "Food Stamp Program" by \$6,500,000 for expenses under section 16 of the Food Stamp Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Ms. KAPTUR).

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

Mr. Chairman, this amendment prohibits the use of funds in this bill to pay for outsourcing food stamp call center jobs to foreign countries. We used to have amendments on these bills that were identified "Buy American." Today I offer one to "Hire an American."

It would basically change the behavior of the U.S. Department of Agriculture and our respective States that receive food stamp dollars and in turn are outsourcing the call center jobs associated with food stamps to Mexico and to India and to other foreign countries.

The Richmond Times Dispatch reported in March that 38 States had been exporting our jobs since 2001. Since then we have learned from the Congressional Research Service that in fact 42 States have outsourced some part of their food stamp call center operations.

Think about that. The calls relate to food stamps for people inside the United States of America. Only Illinois, Iowa, Maine, Mississippi, Montana, Ohio, Texas, and Wyoming have their call centers exclusively inside the United States. Other States are beginning to look at this issue and take action, but this deserves national attention since these are dollars that fund the food stamp programs in all of our States.

It is also ironic that the biggest account in this entire bill is the food stamp program, ringing in at \$33 billion being paid out to needy Americans. Given the complexity that some people face when trying to complete those applications or find out where there may be stores that accept electronic benefit technology, you would expect that our constituents would be able to reach someone in their own community or our States who might be better able to relate to the problems that they are facing in their own lives.

So we provide \$33 billion for food stamps to all of our States, and that is

a program that has increased 46 percent in just the last 4 years.

Many banking companies have become the intermediaries that are administering the food stamp program and end up putting those jobs in other countries. Would it not be better use of American taxpayer funds to try to hire unemployed individuals? In fact, some of those receiving food stamps who could get off these food stamps by having good jobs at these call centers.

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

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would like to inform the gentlewoman that we have reviewed this amendment and would be happy to accept the amendment if she would like.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman so very much for that.

I would be concluding my remarks and saying with all of our veterans returning home, many of them disabled now, this is an absolutely perfect opportunity to transition them into jobs with adequate training and why should we not be using tax dollars to help our own people get jobs right here at home. I thank the chairman very much for his consideration and for the membership. This is a great victory for the American people.

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

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Add at the end (before the short title), the following new section:

SEC. 7. The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for "OFFICE OF THE CHIEF INFORMATION OFFICER" and by increasing the amounts made available under title I for "MARKETING SERVICES" under the heading "AGRICULTURAL MARKETING SERVICE" (for the Farmers Market Promotion Program and administrative expenses related to such program), by \$6,000,000 and \$6,000,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

Mr. Chairman, the farm bill established for the first time the Farmers Market Promotion Program to expand and promote our farmers markets

around the country, to help farmers increase their sales at roadside stands and community-supported farmers markets across this country.

My proposal would take \$6 million from the Chief Information Officer's account and put it in this program. Though authorized by the farm bill, there were no funds appropriated to this account that were in the bill that cleared the subcommittee.

What this program does, it would give additional traction to farmers who are farming especially around our large urban areas to earn money from the market place rather than from subsidy programs. It is a direct-marketing program. None of the dollars in this measure go to buildings and so forth. And it is really aimed at those farmers that are trying to hang on and earn money from the market place.

The average age of farmers in our country is now about 58 years old. This is a very small amount of money coming out of a bill that is over \$80 billion, but really it has so much effect. If you go up here just on the street on the Mall and you look at the farmers market that operates outside the U.S. Department of Agriculture, the roadside stands that exist in many of the communities in which we live, or I was talking to the gentlewoman from New York (Ms. VELÁZQUEZ) and on the Lower East Side of Manhattan this weekend, farmers were able to bring their product there and have a real opportunity to market in a very high-priced part of the United States where there is a lot of the poverty.

This program is aimed at expanding those types of efforts and connecting the farm to the town, helping our farmers move their diversified product. And many of these farmers are not on any subsidy program. They raise vegetables. They raise fruits. They process the product. They bring them to the farmers market. This would really help them to expand their ability to market.

So we just basically move funds inside the bill from the administrative account of the Chief Information Officer, and we put it over in the account that deals with this farmers market program that was established in the new farm bill.

When Secretary Veneman spoke at the opening of the USDA Farmers Market just a little more than 2 weeks ago, she talked about how farmers were gravitating to farmers markets and trying more sophisticated ways to market their products because of the difficulties that are being faced in the general market place itself as it becomes more difficult for small entrepreneurs, small business people to move their product to market. So we know that the need is great.

The 2002 Census of Agriculture showed a 37 percent increase just since 1997 in direct sales to consumers. And we know that the interest is there. We know our farmers need a lot of help in marketing. Most farmers, if you ask

them what is the worst thing they do, they say it is market simply because they spend all their time growing, all their time picking and displaying, and it is hard for them to move product to market. This is something that will make a difference immediately.

It will also help farmers avoid the slotting fees that they have to pay if they are asked to show in a supermarket. They cannot afford \$50,000 or \$25,000 to put their product right on the shelf. It gives them an alternate direct-marketing opportunity.

I would ask the Members for their support of this very worthy program, to give life to the farmers marketing program that was authorized in the new farm bill.

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

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

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

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

Mr. Chairman, the gentlewoman has already voted to zero out the agriculture buildings and facilities account. Cutting the CIO account would result in a direct loss of Federal jobs. The amendment for farmers markets would result in an increase of \$5.2 million, or a 600 percent increase.

The minority views in this report highlight a lot of funding shortfalls; and we have been reviewing them, not just today, but since they have arrived when they were completed. Not one of the amendments that has been offered today attempts to put money in any of the programs that were highlighted in the minority views. In fact, this amendment adds money to a newly authorized program.

I oppose this amendment and I ask that all Members who care about this bill oppose it as well. This is, again, somewhat of a flailing to try to put money into this program when, again, we find it interesting that many of the views expressed by the minority on this bill, none of those were addressed but yet there is an attempt to put money into this program.

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

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

Mr. Chairman, in closing today, I would just like to ask the Members of this House to think about the communities that they represent, how many farmers markets, how many potential farmers markets, how many roadside stands could be helped by additional marketing authority. We are not taking or creating any new money here. We are just moving money from an information account to a direct-market account for farmers to put income in their pockets through direct marketing of their own product, made and grown and harvested with their own hard labor. And I am always proud to stand up on behalf of the farmers of our country and try to help them find new ways to the market.

I would urge the membership to vote in favor of the Kaptur amendment for farmers markets across this country.

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

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

Mr. Chairman, I reiterate our strong opposition to this amendment and urge a "no" vote.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my friend, Representative KAPTUR's amendment, the Farmers' Market Promotion Program. This amendment would make grants to cooperatives, local governments, nonprofit corporations, and other groups that will increase the number of direct producer to consumer market opportunities.

This bill is a win-win all around. Farmers will have more markets for their goods. Consumers will have access to fresh-picked produce. And cities, towns, and hamlets—any area fortunate enough to have such a market at its core—will benefit from the economic ripples that will flow through their communities.

I have seen the boon these farmers' markets bring at first hand. For many years, the Rochester Public Market in my New York district has both benefited farmers in the adjacent counties while it has become a true gathering place for all our citizens. It's just the place to go—and with good reason. Who doesn't thrill when the first local tomatoes appear, or delight in the smell of fresh basil while buying just-picked corn that will go to the dinner table the same day? And that's just from the consumer's point of view. For our Monroe County farmers, it represents a fast and dependable way to move their goods to market productively without the otherwise inevitable middlemen.

In Buffalo, I have recently spearheaded a similar project on the East Side of the city, which is in dire need of economic stimulus such as this. In April, Congresswoman KAPTUR came to the announcement of a major overhaul of the country's oldest public market, which is now in need of revitalization—the Broadway Market. She, along with New York State Agriculture Market officials, Buffalo and Erie County officials, and agriculture leaders helped brainstorm ways we can return the Market to its former glory. We want it to become the finest farmer's market in the state—and after such a fine start, I'm sure it will. The farmers of Erie, Orleans, and Niagara Counties will reap the financial harvest.

This Farmer's Market Amendment would provide \$6 million to help other communities initiate worthwhile projects like the Buffalo Market by providing the seed money necessary for them to blossom and grow. That is exactly what the Agriculture Appropriations bill should be doing across the country, and why I hope my colleagues will join me in a favorable vote.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the KAPTUR amendment to provide a modest \$6 million in funding for the Farmers' Market Promotion Program. This program was established by the Farm Bill to make grants to cooperatives, nonprofits, local governments, economic development corporations and regional farmers' market authorities for projects to establish, expand, and promote farmers' markets, roadside stands, and community supported agriculture programs. Unfortunately, the program has never been funded.

At a time when we spend billions on programs that primarily assist large agribusinesses, Congress needs to reaffirm its commitment to help farmers most in need of assistance. This relatively small investment in the Farmers' Market Promotion Program will produce economic benefits to small farmers and local communities that far exceed the \$6 million investment we are proposing in this amendment.

Farmers' markets are essential sources of income for thousands of small farmers. They provide farmers with direct access to consumers, and, in many instances, all of the small farmer's income comes from sales at farmers' markets. In a USDA survey of 772 farmers' markets, over 6,000 farmers said they sell their products only at farmers' markets.

Mr. Chairman, consumers also benefit from farmers' markets. Consumer demand for locally grown food produced by small farmers is on the rise. For safe, nutritious food, Americans place more trust in smaller scale farms. According to a recent national consumer survey, seven in ten Americans said smaller scale family farms are more likely than large farms to use techniques that won't hurt the environment.

Farmers' markets also help promote nutrition education, wholesome eating habits, and better food preparation, as well as boost the local community's economy. Many urban communities where fresh, nutritious foods are scarce gain easy access to quality foods at fair prices.

Consumers also have the opportunity to personally interact with the farmer who grows the produce. I enjoy spending Saturdays shopping at the farmers' markets in my district and interacting with the farmers. I know many of my colleagues have similar positive experiences at markets in their district.

The sights and smells of fresh produce, a conversation with a local farmer about the weather and growing techniques—these experiences make shopping at farmers' markets such a unique and enjoyable experience.

I urge my colleagues to support the Kaptur amendment to provide a modest but important investment in the Farmers' Market Promotion Program. Let's take this opportunity to help family farmers and consumers.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Ms. KAPTUR) will be postponed.

□ 1715

Mr. BONILLA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I wonder if Members under the unanimous consent request had thought that their amendments were so important why they would not be here to offer them.

It seems a little odd to me that when someone actually gets their amendment into the unanimous consent request because they think they have an important issue that is so earthshaking or so dramatic or so important, and yet when the hour arrives for their amendment to be considered, they do not come and offer it, I wonder how important the amendment really is.

So I wonder if we ought to just consider having the committee rise and vote on the bill. That seems to be the appropriate thing to do.

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

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I was simply trying to facilitate the committee's work in trying to reach agreement on language that the gentleman from Virginia on your side of the aisle indicated he wanted to see in this bill, but if the gentleman does not want to wait for us to do that then I would be happy to pass it by and move on.

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

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I think, out of courtesy to the gentleman from Virginia earlier today, it would have been nice if the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies would have had the courtesy to recognize him when he was on the floor and could not get to the microphone. There was no consideration given to his ability when he had an important matter that he wanted considered, and out of courtesy that would have been nice to have been done.

If it had been done on the other side, if a Member on your side had been treated the way that the Member was treated on our side, I am sure there would have been many, many procedural votes today. But, apparently, the ranking member on the Committee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies did not have the courtesy or the common decency to allow the Member to have his say or the right just to have his say.

I guess that is the way it is, and we see from time to time when that courtesy is not extended to your Members, all you-know-what breaks loose around here.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for his remarks.

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

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I was informed that the gentleman from Virginia on your side of the aisle, that he was prevented from getting to the microphone by a Member of his own party. So I was not on the floor, I did not see what happened, but if the gentleman would prefer to resurrect old antagonisms rather

than to solve problems, I am perfectly happy to leave this mess exactly where it is.

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

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I know that the gentleman from Wisconsin is a very fair-minded person, and had he been on the floor and recognized what was done to the gentleman from Virginia I am sure he would have persuaded the ranking member to owe him the courtesy to give him a chance to speak.

AMENDMENT NO. 12 OFFERED BY MR. TIAHRT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. TIAHRT: Add at the end (before the short title) the following new section:

SEC. 7 _____. None of the funds made available by this Act may be used to pay for the official travel of employees of the Department of Agriculture whose station of duty is at the Washington D.C. headquarters of the Department until the Secretary of Agriculture certifies to Congress that the Secretary has implemented a voluntary program under which beef slaughtering establishments may acquire and use rapid screen testing kits to test beef carcasses for the presence of bovine spongiform encephalopathy.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed will each control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

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

My amendment would restrict travel funds for USDA employees who are working in Washington, D.C., until the Secretary of Agriculture implements a voluntary program for beef slaughtering establishments to screen for BSE, bovine spongiform encephalopathy, mad cow disease as it is commonly known.

Right now, America has the safest beef in the world, and a lot of it comes from the great State of Kansas, but this is not about food safety. This is about trying to meet the demands of customers.

Creekstone Farms Premium Beef is a small packing company in Arkansas City. At that location, they employ about 750 workers who have been reduced from 5-day work weeks to 4 days because we have failed to open up markets in Japan and South Korea. The reason that has happened is because they have demanded in those markets that we have some kind of 100 percent screening. The USDA has not allowed this to occur. It is my personal view that USDA should be in the business of

setting minimum standards and not maximum standards, but because of this ban, America has lost in exports to Japan and South Korea nearly \$1 billion worth of exports.

According to the USDA, that number is approximately \$959 billion over the last 6 months. Over the year, it will be close to \$1.5 billion, maybe \$2 billion.

I just want the floor to know, Mr. Chairman, that we need to allow American processors to have the flexibility to meet the demands customers are bringing to them.

In Japan, they already have their beef labeled as BSE tested. That is all we are asking for here, is to allow that screening to go on and for it to occur. The cost would be about \$15 per head. We have already lost in exports enough to test the entire 35,000 cattle that are processed every year in America, but because we have not been able to do that, we are looking at a loss of exports, plus loss of jobs here in America.

The amount of beef that is being sold in Japan and South Korea continues, but it is being supplied by Australian and New Zealand suppliers instead of American suppliers. So what we are trying to do is open up these markets back again for American beef processors.

I also want to make a point, Mr. Chairman, that in the past, during the free market system, we have said that the customer's demands ought to be met, the customer is always right, but currently we are not seeing that allowed because of inaction by USDA.

We know that in California that auto manufacturers meet unique safety and environmental standards, and they gladly put a little higher price tag for that, but currently we are not allowing American beef processors to put a little added extra safety in and charge a little more for it for those customers who want it.

So I have this amendment that would restrict travel for headquarters Washington USDA employees until a voluntary program is allowed to move forward. This is a very simple amendment. It does not go into a great deal of detail, but it makes a very strong point that we need to allow our processors to meet the demand of their customers.

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

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BONILLA. Mr. Chairman, I will make a point of order, but I do want to point out that the gentleman raises a very important issue. It is just that it does not fit in this particular part of the bill.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation

bill shall not be in order if changing existing law. The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I do realize that I am moving towards an authorization-type language on an appropriations bill, but I thought the issue was important enough that it should be brought to the floor of the House and that I should ask for a vote on it.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new duty, and the amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MALONEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mrs. MALONEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mrs. MALONEY).

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

My amendment would simply require the FDA to do the job that they are supposed to be doing. If the FDA finds the drug to be safe and effective for over-the-counter use, then the FDA cannot withhold the drug from over-the-counter status for nonstatutory reasons.

Americans rely on the Food and Drug Administration to make scientific, evidence-based decisions that are in the best interests of the American public and that will help improve our health. The majority of the time this is exactly what happens. Unfortunately, a recent FDA decision on whether to grant over-the-counter status for Plan B, an emergency contraceptive pill, went against the advice of the independent, expert advisory committee and the advice of FDA staff. The decision was not science-based and was not made in the best interests of American women. Instead, it was a decision influenced by inappropriate political and ideological considerations.

The Maloney-Waxman amendment would basically say that the FDA would have to rely on science in making these decisions, and in this amendment we are with the world community. Thirty-three nations have approved the sale of emergency contraceptives for over-the-counter use, and five States in the United States have also approved it.

The American Medical Association, the American College of Gynecologists and over 70 medical and public health groups have endorsed making emergency contraceptives available for over-the-counter because they believe that they are proven to be safe to use without any medical supervision.

I would place in the RECORD 10 editorials from newspapers across the country stating that science should be the basis for making medical decisions at the FDA, not politics.

[From washingtonpost.com, May 11, 2004]

NEW PLANS

At first glance, the news that the Food and Drug Administration had decided to reject over-the-counter sales of the emergency contraceptive Plan B seemed dramatic. As we pointed out earlier this year, the science around this drug is not controversial. In several international studies, the drug has been shown to be safe and effective if taken within 72 hours of intercourse—hence the request of its manufacturer, Barr Laboratories, to make it available over the counter. The FDA's own scientific advisory panel unanimously approved the request, and such a move would be popular. Most of the time, Plan B acts like a birth control pill, preventing ovulation and therefore conception: The greater use of Plan B therefore means fewer abortions.

But because Plan B may also prevent fertilized eggs from being implanted in a uterus, it has attracted negative political attention. Some of the drug's political opponents, those who equate a fertilized egg with a fetus, have called it an "abortion pill" and have lobbied the FDA hard to restrict it. Both state and national legislators have spoken out against the drug, partly on those grounds and partly out of concern for its impact on underage sex, leading many to fear that the FDA would make a political rather than a scientific decision.

In fact, though the FDA has banned the drug from over-the-counter use, it left open a window for future approval. "We weren't closing the door," said Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research. Indeed, if the FDA ruling is taken at face value, the only thing required of Barr is that it either conduct more studies of the drug's impact on younger women or come up with a plan to ensure that the drug is available only by prescription to girls younger than 16: According to Dr. Galson, the FDA was bothered by the paucity of data describing the impact of the drug on girls ages 14 to 16 and the absence of data on girls younger than that, some of whom might presumably try to buy the drug. The company says it is "months, rather than years" away from providing precisely such information.

The FDA is within its rights to remain cautious about a controversial drug. But if the agency wants to preserve its reputation for making decisions based on sound science, it will stick to this proposal and grant Barr the license to sell the drug as soon as the information or a suitable plan becomes available. At this point, the FDA should be given the benefit of the doubt—but not indefinitely.

[From the New York Times, May 9, 2004]

THE PRESIDENT AND WOMEN

The arrival of an over-the-counter morning-after pill in American drugstores has been delayed by a disappointing, politically motivated decision by the Food and Drug Administration. Wider availability of the pill would make it easier to avert unwanted pregnancies and reduce the rate of abortions. But once again, the Bush administration seems determined to make things difficult for women in America. It's ironic, since President Bush has included more women in his innermost circle of advisers than any prior chief executive. Condoleezza Rice, the administration's most prominent female presence, has presided as national security adviser while a wholesale assault has taken place on the reproductive rights and health of poor women overseas. That assault began on President Bush's first full day in office with his reimposition of the Reagan-era global "gag rule," badly hampering international family planning and the fight against sexually transmitted diseases. On the domestic side, where Karen Hughes, Mr. Bush's former communications director, is still one of the most powerful forces, the record is equally dim. A new report by the National Council for Research on Women documents many small but important steps to manipulate information to the detriment of women and trust. Ms. Hughes herself made news in one recent interview when she appeared to suggest a parallel between supporters of abortion rights and terrorists. Asked on CNN whether abortion would be an election issue, Ms. Hughes said that she sensed that "after September 11th the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life." Driving home that connection, she added that "the fundamental difference between us and the terror network we fight is that we value every life."

That interview occurred as an estimated one million people were gathering peacefully in Washington to protest the administration's dismal record on reproductive freedom, medical privacy and other issues vital to women. The turnout did not deter the administration from stopping the progress of the morning-after pill, which can reduce the chance of pregnancy if taken within 72 hours after intercourse. Some social conservatives have claimed that the pill might encourage teenage promiscuity—an argument that appears to have influenced the FDA more than the agency's own expert panel, which voted 23 to 4 to make the pill available over the counter, or the support of more than 70 medical and public health organizations.

In its decision, the FDA said the pills could not be made available without a prescription until the manufacturer figures out a way to keep young girls from obtaining them, or provided additional evidence that teenagers 16 and under could understand the directions for their use. These barriers seem artificially high. There are many over-the-counter drugs that could be harmful if used in the wrong way, but were not prevented from coming to market by speculative concerns about how they might be abused by young consumers.

We appreciate Mr. Bush's willingness to create an administration with strong women. We just wish that translated into an administration that was strong on women's issues.

[From the St. Louis Post-Dispatch, May 11, 2004]

PLAN B. STALL

What if, instead of approving the new generation of cholesterol-lowering drugs, the government turned them down for fear they would encourage people to continue overeating? Last week, the Food and Drug Ad-

ministration used precisely that sort of tortured logic in rejecting Barr Pharmaceuticals's application to sell the so-called morning-after pill without a doctor's prescription. The high-dose birth control pill, sold under the name Plan B, can prevent pregnancy if taken within 72 hours of unprotected sex.

The FDA's Dr. Steven Galson said the company had failed to provide documentation about the drug's safety for girls 16 or younger. Dr. Galson also said that making Plan B more widely available would encourage teenagers to have unprotected sex. The question isn't whether 16-year-olds should be having sex. Of course they shouldn't; it's emotionally and physically dangerous. The question is what to do when bad judgment overwhelms good intentions. And—as teen pregnancy and sexually transmitted disease rates show with depressing clarity—that happens regularly in all age groups. Keeping Plan B from being sold over the counter won't change that. But it could give women of all ages a prompt, private and less physically and psychologically stressful option to abortion.

In December, an FDA advisory panel overwhelmingly recommended making Plan B available without a prescription. More than 70 leading medical and public health groups have endorsed that conclusion. So did the FDA staff members responsible for reviewing the findings. It's all but unheard of for the FDA to reject the conclusions of both its advisory panel and review staff.

Making Plan B more widely available would have alienated the president's conservative political base. It may be that this decision is just an election year stalling tactic. Perhaps after the election, the FDA leadership will see fit to reverse its irrational decision. In any case, it demonstrates—yet again—in what low regard the Bush administration holds women's health and reproductive freedom.

This is not the first time political considerations have trumped science in the Bush administration. Once again, it clearly shows that it is impossible to create good public health policy by subverting science for political ends.

[From Newsday, May 11, 2004]

MORNING-AFTER PILL: POLITICS STALL 'PLAN B'

The U.S. Food and Drug Administration's rejection of a bid to sell an emergency contraceptive, the so-called morning-after pill, over the counter, smacks of politics trumping science.

The application by Barr Pharmaceuticals Inc. to sell its "Plan B" without a prescription was "not approvable," according to the FDA, because Barr hadn't adequately documented whether consumers under age 16 could use it safely without a physician's advice. Officials said they did not bow to political pressures in making the decision.

But emergency contraception is already available without prescription in six states and 33 other countries. Despite that record, Dr. Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, overruled both his staff and an advisory panel of outside medical experts when he blocked over-the-counter sales. That's highly unusual, if not unprecedented.

Morning-after pills contain hormones used in standard birth control pills. Taken within 72 hours of unprotected intercourse, Barr says its "Plan B" reduces the risk of pregnancy by 89 percent. But it's most effective within 24 hours of intercourse, so waiting to see a doctor could pose a problem.

The FDA gave Barr two options: Provide data showing that adolescents understand how to use the pills, what they're for and the appropriate dose; or draft labeling for over-the-counter sales to women over 16 and prescription sales for those under 16. Company officials say over-the-counter availability will be delayed at least a year.

President George W. Bush has chipped away at abortion rights and imposed restrictions on U.S. funding for international family planning. Going against scientific advice to block over-the-counter sales of the morning-after pill fits the pattern.

[From the Boston Globe, May 11, 2004]

MORNING-AFTER ROADBLOCK

Rejecting the overwhelming opinion of its own panel of experts, an official of the Food and Drug Administration last week blocked a bid by a drug company to make its morning-after contraceptive available over the counter. This politically driven decision will almost certainly result in more unintended pregnancies and more abortions.

Barr Laboratories' Plan B, which contains high doses of one of the hormones in birth-control pills, prevents 89 percent of pregnancies if taken within 72 hours of intercourse. According to the company, it does so by interfering with ovulation or preventing fertilization. Some research has suggested that in some cases it might keep a fertilized egg from implanting in a woman's uterus. This has led many abortion opponents to oppose Plan B. Social conservatives also criticize it for, in their opinion, encouraging promiscuity.

While advocates of reproductive choice acknowledge that morning-after pills do not provide the protection condoms do against sexually transmitted diseases, they support easier access to Plan B.

Late last year, Barr's request for approval of over-the-counter sales of Plan B, which is now available by prescription, was supported 23-4 by the FDA's expert panel. Over-the-counter sales have also been backed by the FDA's own staff, by the American College of Obstetricians and Gynecologists, and other physicians' organizations. Plan B has been available in several states through pharmacists who have agreements with physicians. Normally the FDA follows the guidance of its advisory panels and staff, especially when there is a consensus. The official who disapproved over-the-counter sales, Steven Galson, acting director of the FDA's Center for Drug Evaluation, denied he made the decision for political reasons. He told Barr he disapproved the request because only 29 of the 585 women studied by the company were under age 16—too small a sample, in his opinion, to prove its safety with teenagers.

Galson has said he was concerned that easy availability of Plan B might make young women more likely to have sex without condoms, exposing themselves and their partners to diseases. Often in cases in which research provided by a drug maker is deemed by the FDA to be inadequate, the agency tells the firm its drug is "approvable" if it takes further steps. Galson, instead, chose to call Barr's plan "not approvable," which left no doubt about his position to the Bush administration's supporters among social conservatives.

In January, 60 of the nation's leading scientists criticized the Bush administration for systematically suppressing or misrepresenting science in making decisions. The Union of Concerned Scientists issued a report detailing such politicization of science. The White House denied the charge. By its action on Plan B, the administration has given the scientists new evidence to back their accusation.

[From the Philadelphia Inquirer, May 11, 2004]

PLAN B SCRAPPED; FACTS LOSE OUT, AGAIN

A main job of the Food and Drug Administration is to weigh the safety and reliability of drugs used by Americans, based on scientific evidence.

The agency's regrettable decision last week to deny over-the-counter status for emergency contraception pills smacks primarily of politics, not science.

The facts favor the opposite decision.

In an overwhelming vote last December, two FDA advisory panels declared that emergency contraception is safe and that these two-dose, birth-control pills should be readily available to women and adolescents desperate to prevent pregnancy after unprotected sex. The American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the American Public Health Association all agreed.

The FDA seemed poised to accept the recommendations of its expert advisers—something the agency almost always does.

Both then politics and religion intervened. Last January, 49 Republican members of Congress sent a letter to President Bush voicing concerns that over-the-counter emergency contraception—or EC as it is known—might make adolescents more promiscuous. Leading the anti-EC charge was Concerned Women for America—an organization uncomfortable with all forms of birth control pills.

Suddenly, the FDA said it needed a 90-day delay before making its EC decision and asked the EC producer, Barr Laboratories, to respond to many of the questions posed by members of Congress.

Then last week came the FDA's wrong decision: No over-the-counter status for EC—unless Barr could prove easy access to the drug was safe for adolescents under 16.

Yes, it definitely would be better if there were more data describing likely use among teens. And there is no dismissing the concerns of parents who worry about their young daughters being able to buy EC pills off the shelf.

But studies should allay those fears. They have shown women and teens who have access to EC aren't more likely to engage in unprotected sex or less likely to use disease-preventing condoms. And there is no data to suggest that availability of EC would encourage very young teens, 14 and younger, to have sex. Even with readily available condoms, the sexual activity rate in the young crowd remains, thankfully, low.

The real danger lies in denying women and older teens ready access to EC. To be effective, Barr's EC pill product—called Plan B—must be taken within 72 hours of unprotected sex to prevent unwanted pregnancy. Imagine the hurdles faced by a 30-year-old woman who must see a doctor and secure an EC prescription in that time frame. Now imagine a 16-year-old girl—perhaps the victim of date rape—trying to do that.

In its rejection letter, the FDA asked Barr to consider allowing Plan B to be offered over the counter to those 16 and older; younger teens would need a prescription.

Barr officials seem willing to consider this restriction—if that's the only way to get EC to a wider number of women. Commendably, the company seems prepared to submit another application to the FDA.

If the FDA continues to block easy access to EC—now sold over the counter in 33 countries—it will be another example of the Bush administration ignoring a scientific consensus that conflicts with its political agenda.

Bush has restricted contraception funding overseas, has attempted to deny contrac-

tion coverage for federal employees, has pumped money into abstinence-only sex education programs that deny contraceptive information to young people.

Is it any wonder, then, that an FDA under his watch has denied women easy access to a safe and very needed drug?

[From the Houston Chronicle, May 10, 2004]
THE MORNING AFTER/FDA CONTRIVED EXCUSE
TO DENY WOMEN CONTRACEPTION

Last week, Food and Drug Administration officials decided to reject over-the-counter sales of emergency contraception medication known as morning-after pills. Their rejection represents a missed opportunity to reduce unwanted pregnancies and abortions. Worse still, the officials contrived a ludicrous argument on which to base their decision.

Basically, the regulatory agency told women they could not have convenient access to this proven, safe and reliable method of preventing unwanted pregnancy because minor girls might not be able to figure out how to use it.

In denying Barr Pharmaceuticals' application to sell its product in drugstores, the FDA ignored the recommendation of its own advisory panel of physicians, who overwhelmingly agreed last December that women could safely use the drug, Plan B, to avoid pregnancy without a doctor's supervision.

To get approval to sell the medicine without a prescription, Barr now will have to come up with a way to prevent juveniles under 16 from buying it or conduct new studies to show that they can use it safely on their own.

The FDA's position showed the agency is more inclined to bend to political pressure than to meet women's health needs. Regulators bowed to pressure from President Bush's re-election campaign and abortion opponents, who falsely liken Plan B to abortion. Other moralists worry needlessly that, despite the dearth of evidence, access to morning-after pills will promote unsafe sex and promiscuity.

In the first case, emergency contraception does not cause the abortion of a fetus; taken up to 72 hours after unprotected intercourse, it prevents the implantation of a fertilized egg in the womb or disrupts ovulation to prevent fertilization. It holds the potential to reduce the number of abortions sought because women got pregnant as a result of rape, birth control failure or simple unprotected sex.

In the second case, the United States is saturated with sexual come-ons. They are a staple of advertising, movies, television, magazines, novels, billboards, adult book stores and videos, the Internet, sports half-time shows and telephone chat services. Respectable women hold sex toy parties the way housewives of the last century got their girlfriends together to buy plastic containers. Easy access to the morning-after pill as an inducement to promiscuity would be bringing coals to Newcastle.

Incidentally, cigarettes are widely available in stores in spite of being—in contrast to safe and effective morning-after pills—addictive, carcinogenic and without any healthful function. It is illegal to sell cigarettes to anyone under 18.

Couldn't morning-after pills be safely sold to women 18 and over, preventing countless unwanted pregnancies and abortions?

[From the Seattle-Post-Intelligencer, May 10, 2004]

WRONG TO LIMIT CONTRACEPTION PILL

Women deserve easy access to emergency contraception pills. The Food and Drug Administration has chosen to be an obstacle to

preventing pregnancies and reducing abortions.

Politics rules. The Bush administration talks about science, but acts on pseudo-science. In refusing to allow emergency contraceptives to be sold over the counter, the FDA rejected the overwhelming recommendation of its own scientific advisory panel. The panel said tests, which included girls under 16, had shown women can use the so-called morning-after pills safely and effectively without a doctor's prescription.

Pressured by President Bush's conservative supporters, however, the FDA decided that not enough testing had been done on young girls. The FDA professed concern about putting a strong medicine on shelves within adolescents' reach. Has the agency missed that kids can already buy off-the-shelf medications, ranging from aspirin to Zantac? Of course not.

The United States might benefit from Washington state's system of making emergency contraception available without a prescription but with counseling by a pharmacist. It generally works well, although implementing it nationally certainly would run risk that pharmacists might withhold the pills in isolated areas.

The pill's maker, Barr Pharmaceuticals, says it can overcome FDS concerns, possibly within months. We hope so. Women deserve help from medical science, not politically induced evasions.

P-I OPINION The American Academy of Pediatrics supported making emergency contraception available over the counter. Federal bureaucrats decided they knew better.

[From the Los Angeles Times, May 8, 2004]

POLITICS OF CONTRACEPTION

More than 70 of the nation's leading medical and public health groups backed a proposal to let women buy emergency contraception without a prescription.

The U.S. Food and Drug Administration's own advisory panel, after reviewing 40 studies and 15,000 pages of data, overwhelmingly recommended over-the-counter status for the so-called morning-after pill.

Use of this pill would cut the number of abortions in this country—a goal President Bush ardently embraces—and millions of women who have used it by prescription since 1999 have found this drug to be safe and effective in blocking unwanted pregnancies.

And yet it's an election year, and many of Bush's supporters insist that broader availability of the pill would encourage promiscuity and unsafe sex.

So when FDA leaders overruled their own scientific advisors to reject over-the-counter sales Thursday, politics once again trumped science, despite their avowals to the contrary. The decision echoes this administration's big-footing of scientific evidence of stem cell research and environmentally safe levels of mercury and arsenic.

The agency has, however, left open a path that would let women eventually obtain this drug more easily—after the November election—and the pill's maker should pursue that opportunity.

In a letter to manufacturer Barr Laboratories, the FDA said the company had failed to prove that girls younger than 16 could safely use the drug, which it markets as Plan B, without guidance from a doctor or nurse. Until Barr can satisfy the agency that Plan B is safe for teenagers or present a plan for over-the-counter sales to older women and more restricted sales to 14- to 16-year-olds, the FDA has blocked all over-the-counter sales.

Barr says it will pursue these options, but even if it acts quickly, approval probably won't come for a year, long after November's votes are counted.

Emergency contraceptives contain a concentrated dose of the hormones found in birth control pills. Taken within 72 hours of unprotected sex, the pill prevents pregnancy by delaying ovulation, blocking fertilization and inhibiting uterine implantation. But the drug is more effective if it is taken within 24 hours rather than 72 hours.

That's why California and four other states permit pharmacists to dispense it without a prescription if women ask.

But surveys show that few pharmacies in California stock the pill and few women know to ask for it. Over-the-counter sales would give far more women access to this drug, especially on holidays and weekends. For now, however, FDA leaders have left a lot of women in a difficult, and unnecessary, spot.

Mrs. MALONEY. I am sure that the majority of this body agrees, like the expert panel and the FDA staff, that American women deserve the most safe and effective contraceptives available. Supporting this amendment is a vote in support of healthy women and evidence-based science.

A perfect example of inserting politics into science is the recent decision by the FDA to deny over-the-counter status to Plan B or the morning after pill. On December 16, 2003, a joint panel of the FDA's Reproductive Health Drugs Advisory Committee and Non-prescription Drugs Advisory Committee voted 28 to 0 that Plan B could be safely sold as an over-the-counter medication. It then voted 23 to 4 to recommend that the FDA approve the application to make Plan B available over the counter. Yet on May 6, 2004, the FDA rejected over-the-counter status for Plan B.

The Washington Post, dated June 18, 2004, reported that a top agency scientist dismissed the reasoning that was used to justify the rejection as unfounded.

Officials at FDA wrote that Acting Center Director Stephen Galson was introducing a different standard for evaluating Plan B than the FDA had applied to other contraceptives.

Politics and ideology have been allowed to influence science, endangering the reputation of the FDA and having a direct and irreversible effect on the health and well-being of thousands of women.

The Maloney-Waxman amendment ensures that the FDA will not deprive American women of safe and effective contraceptives on ideological grounds. Accepting the Maloney-Waxman amendment is a vote in favor of safe and effective contraceptives for American women, a vote in favor of scientific, evidence-based science. A vote in favor of this amendment requires the FDA to spend money on doing their job and making decisions based on science, not politics, and I am very grateful that the majority is considering accepting this amendment.

□ 1730

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

Mr. BONILLA. Mr. Chairman, I claim the time in opposition, but I am not opposed to the bill.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

There was no objection.

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

Mr. Chairman, my understanding is that this amendment just says that if FDA determines a product is safe and effective for over-the-counter use, it should approve the application.

I do not know why we should single out any particular product. Every product should have to meet a set standards to be sold without a prescription. But that is current law, and I do not object to the gentlewoman's amendment, based on the wording and what the amendment actually says.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

First, I want to thank my friend for clarifying that the pending amendment is simply a restatement of current law. I appreciate the fact that he has made that very clear.

I want to make a point so that we are also clear about the FDA's decision concerning Plan B. Dr. Stephen Galson, the acting director for FDA's Center For Drug Evaluation and Research, stated in a letter that based on science and safety concerns, Plan B will not be sold over-the-counter and this is his quote: "Based on the review of the data, we have concluded that you (Barr Research Inc) have not provided adequate data to support a conclusion that Plan B can be used safely for young adolescent women."

He also goes on to point out that "only 29 of the 585 subjects enrolled in the study were 14 to 16 years of age, and none were under the age of 14." So based on science and safety concerns, the recommendation was made that Plan B should not be approved for over-the-counter sales.

So this restatement of current law does not add nor detract from things as they are.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman for his comments.

Mr. CROWLEY. Mr. Chairman, I rise in support of this amendment.

Earlier this year, the FDA denied an application to approve an emergency contraceptive, Plan B, for over-the-counter use. Yet the evidence suggests the FDA made the wrong decision. EC can reduce the risk of pregnancy by as much as 89 percent, which—in turn—reduces the number of abortions.

It is estimated that greater use of EC could halve the number of unintended pregnancies. EC does not cause abortion.

One of the goals of Healthy People 2010, a publication from the Office of the Surgeon General, is to increase the proportion of health care providers who provide EC to their patients.

The American Medical Association and American College of Obstetricians and Gynecologists endorse greater access to EC, even

to the point of having dedicated emergency contraceptive products available without a prescription. Moreover, the FDA's own expert advisory panel reviewed the evidence and found Plan B to be effective and safe. The expert panel found Plan B to meet the requirements to receive over-the-counter status.

So why are we here discussing this? Because this past spring the FDA put politics above sound policy. Karl Rove and his right wing agenda won again and the people who are going to suffer are the women of my district and the women throughout this country. By not approving the sale of emergency contraception, marketed as Plan B over the counter, countless women may find themselves struggling to adapt to unplanned pregnancies.

The New York Times recently highlighted a young woman from the Bronx who is facing many of the issues that people in Washington like to talk about.

Jasmine, born in the Bronx, is struggling to understand reproductive health issues in the context of her high school, her boyfriend, her family, and her life. The story goes on to describe very real efforts to make a relationship work with her boyfriend Alberto.

Information is not always easy to come by. And good intentions are not always sufficient. But this young woman does not need rhetoric as she tried to navigate complex relationships, work, school, and her own health. She needs information and access to things like emergency contraception. Girls and women like her often find themselves torn between two choices—to have a baby, or to have an abortion.

Why not provide them with another choice—the choice to use Emergency Contraception, available over the counter at local drug stores, to prevent the pregnancy in the first place.

We have seen how in New York City alone, the availability of birth control and counseling at local high schools and targeted to young women has dramatically reduced the number of women having unintended pregnancies.

Why is the FDA holding up something that makes common sense, something that any woman in America can use by calling their physician? This isn't about making emergency contraception legal, it already is. This is about making emergency contraception available.

I urge an vote for the women of America. I urge an "aye" vote on the Maloney/Waxman amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Waxman/Maloney amendment. I am here today to speak on behalf of women's health and the integrity of the American regulatory process.

As a nation, we rely on the FDA to make decisions based on clear scientific evidence that have the best interests of the community in mind. Unfortunately, recently, the FDA's decision not to allow Emergency Contraceptive Pills, Plan B, to be available over the counter went against the opinion of the independent expert panel and FDA staff. Additionally, over 70 organizations including the American Medical Association and the American College of Obstetricians and Gynecologists support over-the-counter access to Emergency Contraceptive Pills. We must reassure the American People, that the FDA's decisions are based in scientific evidence and made with their best interests in mind. American women must be able to trust the FDA to make the best decisions possible with respect to their health.

Emergency Contraceptive Pills, Plan B, are too often associated with abortion. These pills do not abort a fetus. They prevent a pregnancy from occurring in exactly the same way as other methods of birth control do and are 95 percent effective if taken within 24 hours. Physicians and other experts have indicated, in fact, that the availability of these pills over the counter would lead to a 50 percent decrease in abortion and unintended pregnancies. This could lead to 800,000 fewer abortions and 1.7 million fewer unintended pregnancies. This medicine could lead to a decrease in teen pregnancy. In Chicago alone, more than 7,500 babies are born to teen moms every year, 88 percent of which are out of wedlock. The availability of Plan B over-the-counter could decrease this by at least 50 percent.

Mr. Chairman, unintended pregnancy is so closely linked to other critical social issues: child poverty, out-of-wedlock birth, a well-trained and ready workforce and the encouragement of strong American families. We must do what we can do decrease the number of unintended pregnancies, and in the case of Emergency Contraceptive Pills we have the opportunity and the scientific backing.

Mr. Chairman, I strongly support this amendment and urge all my colleagues to vote based on science and evidence and not politics.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment. The issue before us is the process by which the FDA decides whether to make Plan B, a form of emergency contraception, available over the counter. Plan B has long been considered a safe and effective prescription method of emergency contraception. Earlier this year the FDA's expert advisory committee and its scientific staff both concluded that it was safe and effective for use over the counter, as have several other countries. It was therefore with grave concern that I learned that the FDA decided to reject the scientific recommendations of its staff and expert committee and refused to grant over-the-counter status for Plan B. Instead of science, the over-riding basis for the FDA's decision appeared to be the Bush administration's desire to cater to its right-wing base in an election year.

The FDA has a long and respected tradition of making decisions on the basis of science. FDA's drug approval process is admired and emulated around the world for this very reason: its decisions have always been based on the best available evidence. America's health and the industries the FDA regulates have thrived under this system.

I am concerned not only because improperly withholding emergency contraception will result in countless unnecessary abortions and unwanted pregnancies. I am concerned because public health agencies like the FDA run tremendous risks when they allow an ideological agenda to subvert science. They run those risks with their own credibility, with the credibility of the products they regulate, and ultimately with the lives of the American people. An FDA motivated by politics instead of science is bad for America's health.

The Bush administration has repeatedly shown its willingness to distort science to suit political ends, from suppressing the science on global warming, to censoring websites about sex education, to appointing unqualified individuals with lead industry ties to expert ad-

visory committees on lead poisoning of children. Let's send them a strong message today: decisions as important to the public health as the availability of emergency contraception must be based on science, not ideology. Anything less is unacceptable.

Mr. SHAYS. Mr. Chairman, I rise in support of the Maloney amendment to H.R. 4766.

If the FDA finds a drug to be safe and effective for over-the-counter use, it should not go on to withhold the drug from over-the-counter use for any other reason. Not for political reasons. Not for ideological reasons.

This amendment states that once a determination of safety and effectiveness is made, the FDA can't deny a product's approval for over-the-counter status for reasons other than safety and effectiveness.

On May 6, the Food and Drug Administration, FDA, turned down Barr Laboratories' application for Plan B emergency contraception to be distributed over the counter.

I was disappointed the FDA went against the advice of the FDA's own expert panel, which in December recommended unrestricted over-the-counter access by a vote of 23 to 4.

A drug is considered acceptable for over-the-counter status if it has low-toxicity, has no potential for overdose or addiction, isn't harmful to an existing pregnancy, does not require medical screening, is self-identifiable, has a uniform dosage and if there are no important drug interactions. Emergency Contraception, EC, was found to meet every single criterion.

That is why, along with 40 of my colleagues, including the gentlelady from New York, I sent a letter to the Acting Commissioner of the FDA, Dr. Lester Crawford, asking him to reconsider the determination on the status of the application to make Emergency Contraception available over the counter.

We have not yet received a response.

The FDA should only make decisions based on science, not politics and ideology. The decision was made despite the significant need for access to emergency contraception.

The fact is, our children are having children. Approximately 82 percent of teen pregnancies are unintended and more than half of these end in abortion.

Expanded access to emergency contraception will decrease the risk of unintended pregnancy and decrease the number of abortions.

I would like to see abortion remain safe and legal, yet rare, which is why I urge my colleagues to support this amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Add at the end (before the short title), the following new section:

Sec. . 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: *Provided further*, That the report described in the second proviso under the heading "OFFICE OF THE CHIEF FINANCIAL OFFICER" shall also be submitted to the Committee on Government Reform of the House of Representatives.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. BONILLA. Mr. Chairman, we have not seen the amendment, so at this time I reserve a point of order.

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

Earlier in the day we had a dispute erupt between the authorizing committee and the Committee on Appropriations with respect to one language provision in this bill from last year's bill. Subsequent to that, we had another dispute manifest itself with respect to new language in this bill. As a result of that altercation, we had two sections of the bill which were stricken on points of order.

After that occurred, I discussed the episode with the gentleman from Virginia, the chairman of the subcommittee from the authorizing committee, which had objected to our committee's initial actions. The gentleman told me that what he was trying to get at was simply to make certain that in the provision that was carried in last year's bill that the authorizing committee would also receive notice before the agency could proceed to outsource or to contract for certain jobs outside of the agency itself.

This amendment is simply an effort to reinstate the language as I understand the gentleman from Virginia wanted it, and to also insert the language originally inserted in this bill by the Committee on Appropriations which would prevent the agency from transferring certain funds that the committee had indicated should not be transferred.

This is a simple effort on the part of one Member of the minority party to defend the institutional prerogatives of the Congress. And if the majority wants to accept it, that is fine with me. If they do not want to accept it, I could not care less.

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

Mr. BONILLA. Mr. Chairman, I claim the time in opposition; however, I want to emphasize that the amendment that the gentleman from Wisconsin is offering today has been reviewed and cleared, and I am prepared to move on and accept it. So I withdraw the point of order earlier raised.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was agreed to.

Mr. BAIRD. Mr. Chairman, I have an amendment at the desk, although I am not sure it is at the desk.

The CHAIRMAN. Would the gentleman submit his amendment to the desk.

Mr. BAIRD. Mr. Chairman, I think they are bringing it, but I am not sure of the status.

Mr. BONILLA. Mr. Chairman, as we have not had a chance to review this amendment, I would like to reserve a point of order on this amendment.

Mr. BAIRD. And my understanding is that it may be ruled out of order; but if I may, I would like to speak to it, Mr. Chairman.

The CHAIRMAN. The gentleman must submit his amendment to the desk in order for it to be considered. Does the gentleman have an amendment?

Mr. BAIRD. Mr. Chairman, I think it is being brought to the floor. If I might ask the gentleman if we could bring it back up in a few moments, I would appreciate it. My understanding was it had been submitted. Apparently, somehow, it did not get here.

The CHAIRMAN. If the gentleman from Washington would offer an amendment, the Clerk would designate it and consideration would proceed under the order of the House.

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

Mr. Chairman, I would inform the gentleman that, to our knowledge, this is the last amendment; and we are a little bit stumped as to why we would not have a copy of the amendment here. We are concluding a major appropriation bill.

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

Mr. BONILLA. I yield to the gentleman from Washington to discuss this issue.

Mr. BAIRD. Mr. Chairman, I thank the gentleman for yielding to me. It was my understanding the amendment was here, and I apologize for the confusion.

Mr. Chairman, it was my intent to withdraw the amendment, but I wanted to rise today to discuss a program fraught with waste. It was created with noble intentions but is poorly constructed and implemented, and as a result has facilitated, I think, abuse of an otherwise well-intentioned program. I am referring to the Livestock Compensation Program, which provides Federal funds to compensate livestock producers for financial losses stemming from natural disasters.

I strongly support the intentions of the LCP, and I applaud the Secretary of Agriculture for creating the program. However, when it was created in 2002, it was designed to provide payments to compensate for drought dam-

ages, and then Congress expanded the program in 2003 to provide payments for all natural disasters.

Congress only authorized the program until 2003; and, consequently, the LCP is currently dormant. However, we can be assured that the Secretary and Congress would likely be pressured to reauthorize the program during the next significant disaster, which is, unfortunately, an inevitability.

While I support the intentions of the LCP, the authorizing legislation and accompanying regulations contained a massive loophole. Essentially, it was this: the LCP did not require eligible parties to demonstrate any actual loss to receive Federal assistance. As a consequence, ranchers who resided in regions affected by natural disasters, but whose property was completely unaffected, were able to march down to the local FSA, provide documentation simply that they owned livestock, and receive a check for as much as \$40,000. They did not have to demonstrate that their farm or ranch had been harmed; neither did they have to demonstrate that their livestock had been harmed. Apparently, FSA simply wrote checks without asking the relatively simple question: What sort of damages did you sustain?

To this day, we have no idea how much money was wasted because the government failed to ask this question. We do know, however, that the program distributed a total of \$1.1 billion, including \$234 million for disasters other than drought.

We asked the USDA Inspector General to investigate the program; and, indeed, they suggested it was in need of reform. That is why I am calling this to the attention of this committee. I believe we ought to address this.

My understanding is that the amendment was likely to be ruled out of order, and I do have now available a copy of the amendment, so that I would have had to withdraw it. But I would ask this committee to consider this. This is a program that may have been well intentioned, but has been abused. If it is extended further, we need to make sure that money only goes to people who have suffered livestock loss.

We talk a lot about waste, fraud, and abuse in this Congress. Here is a clear-cut case of waste. I do not think it is intentional fraud, but it is clearly waste and possibly abuse, and so I think we should address it.

Mr. Chairman, I thank the gentleman for his indulgence, and I submit for the RECORD a copy of the amendment I had intended to offer.

AMENDMENT TO H.R. 4766, AS REPORTED OFFERED BY MR. BAIRD OF WASHINGTON

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds appropriated by this Act may be used to make payments pursuant to the Livestock Compensation Program to persons who do not incur a financial loss resulting from the natural disaster with respect to which such payments are otherwise available.

Mr. BONILLA. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments; and in closing, I would just urge all Members on the upcoming votes on the three amendments to vote "no," and "yes" on final passage.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 8 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. BACA), amendment offered by the gentleman from Colorado (Mr. TANCREDO), amendment No. 7 offered by the gentleman from Ohio (Mr. CHABOT), and the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

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

AMENDMENT OFFERED BY MR. BACA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BACA) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 209, not voting 19, as follows:

[Roll No. 366]

AYES—205

Abercrombie	Cramer	Gutierrez
Ackerman	Crowley	Harman
Alexander	Cummings	Hastings (FL)
Allen	Davis (AL)	Herseth
Andrews	Davis (CA)	Hill
Baca	Davis (FL)	Hinchev
Baird	Davis (IL)	Hinojosa
Baldwin	Davis (TN)	Hoefel
Bass	DeFazio	Holden
Becerra	DeGette	Holt
Bell	Delahunt	Honda
Berkley	DeLauro	Hooley (OR)
Berman	Dicks	Hoyer
Berry	Dingell	Insee
Bishop (GA)	Doggett	Israel
Bishop (NY)	Dooley (CA)	Jackson (IL)
Blumenauer	Doyle	Jefferson
Boswell	Edwards	John
Boyd	Ehlers	Johnson, E. B.
Bradley (NH)	Emanuel	Kanjorski
Brady (PA)	Engel	Kaptur
Brown (OH)	Eshoo	Kennedy (RI)
Brown, Corrine	Etheridge	Kildee
Burns	Evans	Kilpatrick
Capps	Farr	Kind
Capuano	Fattah	Kucinich
Cardin	Filner	Lampson
Cardoza	Forbes	Langevin
Carson (OK)	Ford	Lantos
Case	Frank (MA)	Larson (CT)
Chandler	Frost	Leach
Clay	Gephardt	Levin
Clyburn	Gonzalez	Lewis (GA)
Conyers	Gordon	Lipinski
Cooper	Green (TX)	Lofgren
Costello	Grijalva	Lowey

Lucas (KY)	Ortiz	Shays
Lynch	Owens	Sherman
Maloney	Pallone	Skelton
Markey	Pascrell	Slaughter
Marshall	Paster	Smith (WA)
Matheson	Payne	Snyder
Matsui	Pelosi	Solis
McCarthy (MO)	Peterson (MN)	Spratt
McCarthy (NY)	Pomeroy	Stenholm
McCollum	Porter	Strickland
McDermott	Price (NC)	Stupak
McGovern	Rahall	Tanner
McIntyre	Rangel	Tauscher
McNulty	Reyes	Thompson (CA)
Meehan	Rodriguez	Thompson (MS)
Meek (FL)	Rogers (AL)	Tierney
Meeks (NY)	Ross	Towns
Menendez	Rothman	Turner (TX)
Michaud	Roybal-Allard	Udall (CO)
Millender-	Ruppersberger	Udall (NM)
McDonald	Rush	Van Hollen
Miller (NC)	Ryan (OH)	Velazquez
Miller, George	Sabo	Visclosky
Mollohan	Sánchez, Linda	Waters
Moore	T.	Watson
Moran (VA)	Sanchez, Loretta	Watt
Murtha	Sanders	Waxman
Nadler	Sandlin	Weiner
Napolitano	Schakowsky	Weller
Neal (MA)	Schiff	Wexler
Oberstar	Scott (GA)	Wilson (NM)
Obey	Scott (VA)	Wu
Oliver	Serrano	Wynn

NOES—209

Aderholt	Franks (AZ)	Miller, Gary
Akin	Frelinghuysen	Moran (KS)
Bachus	Gallely	Murphy
Baker	Garrett (NJ)	Musgrave
Ballenger	Gerlach	Myrick
Barrett (SC)	Gibbons	Nethercutt
Bartlett (MD)	Gilchrest	Neugebauer
Barton (TX)	Gillmor	Ney
Beauprez	Gingrey	Northup
Biggert	Goode	Norwood
Bilirakis	Goodlatte	Nunes
Bishop (UT)	Goss	Nussle
Blackburn	Granger	Osborne
Blunt	Graves	Ose
Boehert	Green (WI)	Otter
Boehner	Greenwood	Oxley
Bonilla	Hall	Paul
Bonner	Harris	Pearce
Bono	Hart	Pence
Boozman	Hastings (WA)	Peterson (PA)
Boucher	Hayes	Petri
Brady (TX)	Hayworth	Pickering
Brown (SC)	Hefley	Pitts
Brown-Waite,	Hensarling	Platts
Ginny	Herger	Pombo
Burgess	Hobson	Portman
Burr	Hoekstra	Pryce (OH)
Burton (IN)	Hostettler	Putnam
Buyer	Hulshof	Quinn
Calvert	Hunter	Radanovich
Camp	Hyde	Ramstad
Cannon	Issa	Regula
Cantor	Jenkins	Rehberg
Capito	Johnson (CT)	Renzi
Carter	Johnson (IL)	Reynolds
Castle	Johnson, Sam	Rogers (KY)
Chabot	Jones (NC)	Rogers (MI)
Choccola	Keller	Rohrabacher
Coble	Kelly	Ros-Lehtinen
Cox	Kennedy (MN)	Royce
Crane	King (IA)	Ryan (WI)
Crenshaw	King (NY)	Ryun (KS)
Cubin	Kingston	Schrock
Culberson	Kirk	Sensenbrenner
Cunningham	Kline	Sessions
Davis, Jo Ann	Knollenberg	Shadegg
Davis, Tom	Kolbe	Shaw
Deal (GA)	LaHood	Sherwood
DeLay	Latham	Shimkus
DeMint	LaTourrette	Shuster
Diaz-Balart, L.	Lewis (CA)	Simmons
Diaz-Balart, M.	Lewis (KY)	Simpson
Doolittle	Linder	Smith (MI)
Dreier	LoBiondo	Smith (NJ)
Duncan	Lucas (OK)	Smith (TX)
Dunn	Manzullo	Souder
Emerson	McCotter	Stearns
English	McCrery	Sullivan
Everett	McHugh	Sweeney
Feeney	McInnis	Tancredo
Ferguson	McKeon	Tauzin
Flake	Mica	Taylor (MS)
Foley	Miller (FL)	Taylor (NC)
Fossella	Miller (MI)	Terry

Thomas	Upton	Whitfield
Thornberry	Walden (OR)	Wicker
Tiahrt	Walsh	Wilson (SC)
Tiberi	Wamp	Wolf
Toomey	Weldon (FL)	Young (AK)
Turner (OH)	Weldon (PA)	Young (FL)

NOT VOTING—19

Bereuter	Isakson	Lee
Carson (IN)	Istook	Majette
Cole	Jackson-Lee	Saxton
Collins	(TX)	Stark
Deutsch	Jones (OH)	Vitter
Gutknecht	Klecza	Woolsey
Houghton	Larsen (WA)	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1808

Mr. BERRY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes 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 156, noes 262, not voting 15, as follows:

[Roll No. 367]

AYES—156

Aderholt	Davis, Jo Ann	Hoekstra
Akin	Deal (GA)	Hooley (OR)
Bachus	DeFazio	Hostettler
Baker	DeLay	Hunter
Barrett (SC)	DeMint	Johnson (CT)
Bartlett (MD)	Doolittle	Johnson, Sam
Bass	Duncan	Jones (NC)
Beauprez	Dunn	Keller
Bilirakis	English	Kelly
Blackburn	Everett	Kennedy (MN)
Boozman	Feeney	King (IA)
Boyd	Flake	Kingston
Bradley (NH)	Foley	Kline
Brady (TX)	Forbes	Kolbe
Brown (SC)	Fossella	Lewis (KY)
Brown-Waite,	Franks (AZ)	Linder
Ginny	Gallely	Lucas (OK)
Burgess	Garrett (NJ)	Manzullo
Burns	Gibbons	Matheson
Burton (IN)	Gillmor	McCotter
Buyer	Gingrey	McCrery
Camp	Goode	McHugh
Cantor	Goodlatte	McInnis
Capito	Gordon	McKeon
Carson (OK)	Goss	Mica
Carter	Graves	Miller (FL)
Chabot	Green (WI)	Miller (MI)
Choccola	Greenwood	Miller, Gary
Coble	Harris	Moran (KS)
Cox	Hart	Murphy
Cramer	Hastings (WA)	Musgrave
Crane	Hayes	Myrick
Crenshaw	Hayworth	Nethercutt
Cubin	Hefley	Neugebauer
Culberson	Hensarling	Northup
Cunningham	Herger	Norwood

Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rogers (KS)
Rogers (WI)
Ryan (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder

Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiberi
Toomey
Upton
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)

Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walsh
Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton

Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)
Isakson
Istook
Jackson-Lee
(TX)
Jones (OH)
Larsen (WA)

Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gillmore
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)

Hastings (WA)
Hayes
Herger
Hersteth
Hill
Hinchev
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hookey (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jones (ON)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (VA)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender
McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)

NOT VOTING—15

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1816

Mr. BOYD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) 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 72, noes 347, not voting 14, as follows:

[Roll No. 368]

AYES—72

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggart
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehrlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)

Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Carter
Castle
Chabot
Cox
Culberson
Davis (CA)
Davis, Jo Ann
DeLay
DeMint
Doggett
Duncan
Ehlers
Feeney
Ferguson

Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
King (IA)
Kirk
Linder
LoBiondo
Manzullo
McCollum
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Napolitano

Pascrell
Paul
Pence
Petri
Pitts
Portman
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Tancredo
Tiberi
Toomey
Udall (CO)
Van Hollen
Wamp
Waxman
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin

Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Berman
Berry
Biggart
Bilirakis
Bishop (GA)

Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehrlert
Boehner
Bonilla
Bonner
Bono

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gillmore
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)

Hastings (WA)
Hayes
Herger
Hersteth
Hill
Hinchev
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hookey (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jones (ON)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (VA)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender
McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Neugebauer

Udall (NM)	Watt	Wilson (NM)
Upton	Weiner	Wolf
Velázquez	Weldon (FL)	Woolsey
Visclosky	Weldon (PA)	Wu
Walden (OR)	Weller	Wynn
Walsh	Wexler	Young (AK)
Waters	Whitfield	Young (FL)
Watson	Wicker	

NOT VOTING—14

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair reminds Members there are 2 minutes left in this vote.

□ 1825

Mr. BURTON of Indiana, Mr. WAXMAN and Mrs. DAVIS of California changed their vote from “no” to “aye.”

Mr. KUCINICH changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) 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. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 206, noes 213, not voting 14, as follows:

[Roll No. 369]

AYES—206

Abercrombie	Costello	Gordon
Ackerman	Cramer	Green (TX)
Alexander	Crowley	Green (WI)
Allen	Cummings	Greenwood
Andrews	Davis (AL)	Grijalva
Baca	Davis (CA)	Gutierrez
Baird	Davis (FL)	Harman
Baldwin	Davis (IL)	Hastings (FL)
Becerra	Davis (TN)	Hastings (WA)
Bell	DeFazio	Herseth
Berkley	DeGette	Hill
Berman	Delahunt	Hinchee
Bishop (GA)	DeLauro	Hinojosa
Bishop (NY)	Dicks	Hoeffel
Blumenauer	Dingell	Holden
Boswell	Doggett	Holt
Boucher	Dooley (CA)	Honda
Boyd	Doyle	Hooley (OR)
Brady (PA)	Edwards	Hoyer
Brown (OH)	Emanuel	Hulshof
Brown, Corrine	Engel	Inslie
Capps	Eshoo	Israel
Capuano	Etheridge	Jackson (IL)
Cardin	Evans	Jefferson
Cardoza	Farr	Johnson, E. B.
Carson (OK)	Fattah	Jones (OH)
Case	Filmer	Kanjorski
Chandler	Ford	Kaptur
Clay	Frank (MA)	Kelly
Clyburn	Frost	Kennedy (RI)
Conyers	Gephardt	Kildee
Cooper	Gonzalez	Kilpatrick

Kind	Moran (VA)	Scott (GA)
Kleczka	Murtha	Scott (VA)
Kucinich	Nadler	Serrano
Lampson	Napolitano	Sherman
Langevin	Neal (MA)	Skelton
Lantos	Oberstar	Slaughter
Larson (CT)	Obey	Smith (WA)
Leach	Oliver	Snyder
Levin	Ortiz	Solis
Lewis (GA)	Owens	Spratt
Lipinski	Pallone	Stark
Lofgren	Pascarell	Stenholm
Lowe	Pastor	Strickland
Lucas (KY)	Payne	Stupak
Lynch	Pelosi	Tanner
Maloney	Peterson (MN)	Tauscher
Markey	Petri	Taylor (MS)
Marshall	Platts	Thompson (CA)
Matheson	Pomeroy	Thompson (MS)
Matsui	Price (NC)	Tierney
McCarthy (MO)	Rahall	Towns
McCarthy (NY)	Rangel	Turner (TX)
McCollum	Reyes	Udall (CO)
McDermott	Rodriguez	Udall (NM)
McGovern	Ross	Van Hollen
McIntyre	Rothman	Velázquez
McNulty	Roybal-Allard	Visclosky
Meehan	Ruppersberger	Waters
Meek (FL)	Rush	Watson
Meeks (NY)	Ryan (OH)	Watt
Menendez	Sabo	Waxman
Michaud	Sánchez, Linda T.	Weiner
Millender-McDonald	Sanchez, Loretta	Wexler
Miller (NC)	Sanders	Woolsey
Miller, George	Sandlin	Wu
Mollohan	Schakowsky	Wynn
Moore	Schiff	

NOES—213

Aderholt	Dunn	Linder
Akin	Ehlers	LoBiondo
Bachus	Emerson	Lucas (OK)
Baker	English	Manzullo
Ballenger	Everett	McCotter
Barrett (SC)	Feeney	McCrery
Bartlett (MD)	Ferguson	McHugh
Barton (TX)	Flake	McInnis
Bass	Foley	McKeon
Beauprez	Forbes	Mica
Berry	Fossella	Miller (FL)
Biggart	Franks (AZ)	Miller (MI)
Bilirakis	Frelinghuysen	Miller, Gary
Bishop (UT)	Gallegly	Moran (KS)
Blackburn	Garrett (NJ)	Murphy
Blunt	Gerlach	Musgrave
Boehlert	Gibbons	Myrick
Boehner	Gilchrest	Nethercutt
Bonilla	Gillmor	Neugebauer
Bonner	Gingrey	Ney
Bono	Goode	Northup
Boozman	Goodlatte	Norwood
Bradley (NH)	Goss	Nunes
Brady (TX)	Granger	Nussle
Brown (SC)	Graves	Osborne
Brown-Waite,	Hall	Ose
Ginny	Harris	Otter
Burgess	Hart	Oxley
Burns	Hayes	Paul
Burr	Hayworth	Pearce
Burton (IN)	Hefley	Pence
Buyer	Hensarling	Peterson (PA)
Calvert	Herger	Pickering
Camp	Hobson	Pitts
Cannon	Hoekstra	Pombo
Cantor	Hostettler	Porter
Capito	Hunter	Portman
Carter	Hyde	Pryce (OH)
Castle	Issa	Putnam
Chabot	Jenkins	Quinn
Chocoma	John	Radanovich
Coble	Johnson (CT)	Ramstad
Cole	Johnson (IL)	Regula
Cox	Johnson, Sam	Rehberg
Crane	Jones (NC)	Renzi
Crenshaw	Keller	Reynolds
Cubin	Kennedy (MN)	Rogers (AL)
Culberson	King (IA)	Rogers (KY)
Cunningham	King (NY)	Rogers (MI)
Davis, Jo Ann	Kingston	Rohrabacher
Davis, Tom	Kirk	Ros-Lehtinen
Deal (GA)	Kline	Royce
DeLay	Knollenberg	Ryan (WI)
DeMint	Kolbe	Ryun (KS)
Diaz-Balart, L.	LaHood	Schrock
Diaz-Balart, M.	Latham	Sensenbrenner
Doolittle	LaTourette	Sessions
Dreier	Lewis (CA)	Shadegg
Duncan	Lewis (KY)	Shaw

Shays	Tancredo	Wamp
Sherwood	Tauzin	Weldon (FL)
Shimkus	Taylor (NC)	Weldon (PA)
Shuster	Terry	Weller
Simmons	Thomas	Whitfield
Simpson	Thornberry	Wicker
Smith (MI)	Tiahrt	Wilson (NM)
Smith (NJ)	Tiberi	Wilson (SC)
Smith (TX)	Toomey	Wolf
Souder	Turner (OH)	Young (AK)
Stearns	Upton	Young (FL)
Sullivan	Walden (OR)	
Sweeney	Walsh	

NOT VOTING—14

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

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1833

Mr. BASS changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Chairman, I was not present for debate on the Legislative Branch Appropriations for Fiscal Year 2005—H.R. 4755—rollcall vote 359, amendment offered by HOLT to establish a Center for Science and Technology Assessment; rollcall vote 360, amendment offered by HEFLEY to provide a 1 percent reduction in discretionary funding; rollcall vote 361, a motion to recommit; rollcall vote 362, final passage of H.R. 4755.

Additionally, I was not present for debate on these amendments to the Agricultural Appropriations for Fiscal Year 2005—H.R. 4766—rollcall vote 363, an amendment offered by HOOLEY; rollcall vote 364, an amendment offered by WEINER; rollcall vote 365, a motion to close the DOD conference; rollcall vote 366, an amendment offered by BACA; rollcall vote 367, an amendment offered by TANCREDO; rollcall vote 368, an amendment offered by CHABOT; and rollcall vote 369, an amendment offered by KAPTUR.

Had I been present, I would have voted “yea” for rollcall votes 360, 362, 363, 365, and 367.

I would have voted “nay” on rollcall votes 359, 361, 364, 366, 368, and 369.

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

Mr. Chairman, this will not take a great deal of time. I yield to the very distinguished 12-year Member of this institution, the gentleman from Chicago, Illinois (Mr. RUSH) for a very brief colloquy.

Mr. RUSH. Mr. Chairman, I thank the gentlewoman for yielding, and I rise to enter into a colloquy with my dear colleague, the gentlewoman from Ohio (Ms. KAPTUR).

Madam Ranking Member, due to the issues of education, migration, and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent

practices by dishonest and unscrupulous people. As my colleague knows, many African American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant land grab among some in the South, thereby robbing many African American families of their ownership rights.

Madam Ranking Member, today, African Americans residing inside and outside of Southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA, Reclaiming Ownership of Southern Assets, that is helping African American families reclaim their stolen land. And Madam Ranking Member, I sincerely hope that the Federal Government can also join in this effort to help right a wrong.

It is for this reason that I would respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families who have been illegally deprived of their property. This is an urgent matter. It is a very, very important matter; and I respectfully ask that the gentlewoman from Ohio (Ms. KAPTUR) take this issue to the conference committee and champion this cause along with the law students who are involved in this program called ROSA, Reclaiming Ownership of Southern Assets.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I thank my distinguished colleague from Chicago, Illinois and all of the Members at the end of a very long day for having the courtesy to listen to him and these serious concerns. We certainly will take this to conference, and we will not forget that the gentleman from Illinois (Mr. RUSH) was the one who reminded us to do it.

Mr. SMITH of Michigan. Mr. Chairman, I rise to make the point that under the current law, there are no limits for government price support payments to farmers using commodity certificates.

If commodity certificates and loan forfeitures would have been included under the payment cap limit like in the Senate version of the 2002 farm bill, the CBO has estimated we would save \$118 million in FY 05 alone—\$118 million—that could be used for some other very worthy initiatives in this agriculture appropriation bill or larger supports for family farmers.

We all have heard the news reports about large corporate farms receiving millions of dollars in government payments through the use of generic commodity certificates. Generic certificates do not benefit average family farmers but allow the largest farmers to receive unlimited payments. It is not good public relations for agriculture or our next farm bill.

Under our current system, when the \$75,000 limit is reached, producers can continue to receive unlimited price support benefits through loan forfeitures and generic commodity certificates. Generic commodity certificates are in practice the same thing as marketing loan gains, yet they are not included under the payment limitations.

Thus, generic commodity certificates are essentially loopholes allowing large farming operations to exceed the payment limits. Should it be the objective of federal farm policy to provide virtually unlimited price support to large farming operations?

To add insult to injury, in a May 2003 article published in Tax Notes, it shows that gains from commodity certificates are not reported to the Internal Revenue Service.

Reading some of the comments following the USDA's Payment Limit Commission Report from last fall, it seems important to stress the fact that a few large farmers utilizing generic commodity certificates are avoiding payment limits.

While the Commission indicated that no changes should be made to payment limits until the next farm bill, we need to seriously consider where our agricultural appropriations money is going. Should the Federal Government be paying over 50 percent of the gross income for certain commodities?

It is often argued that cooperatives need to use these commodity certificates as a marketing tool and that the money is spread over numerous producers. This argument dodges the real issue, however, that generic certificates provide a loophole for large producers in the cooperatives to collect unlimited dollars in federal subsidies above and beyond the so-called payment limits.

Even within such co-ops, individual farm production records can be used to enforce compliance if this loophole were closed. As you may know a majority of the Senate and the House voted to instruct conferees to have "real" payment limits. Unfortunately, the conferees did not follow through. The next farm bill is at risk of overly severe limits if continued abuse is evident.

The CBO projected savings of \$118 million for FY05 and nearly a half billion dollars during the 5 years of our current farm bill.

That money could be used to fund the National Research Initiative, NRI, which is a national grant-based agricultural research program for our public and private scientists. The NRI was authorized in 1994 at \$500 million per year, but has received less than \$200 million every year since its inception. This kind of research can allow our farmers to be more productive and efficient, being less dependent on Federal farm programs.

The NRI has provided the agriculture community with valuable research such as sequencing the rice genome, disease resistance in soybeans, and improved management practices for livestock and crop producers.

Supporters of payment limits argue that large or unlimited payments benefit large farms, facilitate consolidation into larger units, raise the price of land, and put smaller, family-sized, or beginning farming operations at a competitive disadvantage.

Critics of payment limits counter that all farms are in need of support, especially when market prices decline, and that larger farms should not be penalized for the economies of size they have achieved.

Although the effect of payment limits can vary, affected farms are usually relatively large. Cotton and rice farms are affected more frequently because they tend to be larger and their subsidy value per acre is relatively high. Cotton and rice farms are also the largest users of commodity certificates in the marketing loan program, an important fact for payment limits.

Under the 2002 farm bill, producers receive three types of commodity payments that are subject to limits: direct payments, counter-cyclical payment, and marketing loan payments. With respect to payment limits, direct and counter-cyclical payments are relatively straightforward since they are direct transfers made in cash. Marketing loans, however, are more complicated.

The marketing loan program has four mechanisms to provide benefits when market prices are below loan rates: (1) loan deficiency payment (LDP)—a direct payment instead of a loan; (2) marketing loan gain (MLG)—repaying a loan at a lower market price (posted county price, or average world price for cotton or rice); (3) "commodity certificates"—purchased at the posted county price to repay the loan; similar to a MLG but without payment limits; and (4) forfeiting the collateral (commodity) and keeping the cash.

The 2002 farm bill retains annual limits on selected commodity program payments. It creates a prohibition on payments to persons or entities with adjusted gross income exceeding \$2.5 million—unless 75 percent or more comes from farming.

The annual limit per person is \$40,000 for direct payments, \$65,000 for counter-cyclical payments, and \$75,000 for marketing loan gains and loan deficiency payments. However, because commodity certificates and forfeiture of commodities are not subject to any limits, the limit on MLGs and LDPs simply becomes the point at which the farmer shifts to commodity certificates. So, as a practical matter, the marketing loan program is not limited.

Mr. Chairman, again I want to reiterate the pro-farmer, practical need to close the payment limit loophole. Without putting constraints on the benefits earned through marketing certificates and loan forfeitures, the annual per person payment limit on the marketing loan program is not a true limit on federal payments to large farmers with budgets that must be restrained the challenge of writing the next farm bill that will keep American agriculture strong will be a huge task.

Mr. BLUMENAUER. Mr. Chairman, while H.R. 4766, the fiscal year 2005 Agriculture Appropriations bill, is far from perfect, I vote in support of this bill that contains key programs for Oregon and important amendments that made this a better bill.

I am pleased that my amendment to designate \$1.2 million of the funds within the Office of Inspector General to be used to enforce animal fighting laws passed, reflecting Congress' continuing attention to the inhumane, cruel, and economically devastating problem of animal fighting. I was also pleased to see the passage of Representative HOOLEY's amendment that increases funding for programs to eradicate Sudden Oak Death, a serious plant disease that threatens a nursery industry responsible for \$700 million of annual production in Oregon and \$14 billion nationally.

I am disappointed to see the failure of an amendment offered by Ranking Member KAPTUR that would increase funding for Farmers Markets. I would hope the committee can work to improve funding for these programs that connect local farmers with their communities. I am also deeply dissatisfied in the funding levels for conservation programs that were a key component to the passage of the 2002 farm bill. Continual funding cuts to these programs have shown that these commitments

were, in actuality, empty promises. I will continue to work to strengthen funding for these programs that help farmers, and improve the environment and our communities.

Mr. VITTER. Mr. Chairman, today I rise in strong support of H.R. 4766, the Agriculture Appropriations Act for FY2005.

Agriculture is vital to not only the local economy in my home State of Louisiana but also to the culture and to way of life of many communities. Ag industries give Louisiana billions of dollars in economic impact and provide for hundreds of thousands of jobs. This bill funds many of the important programs and research that will help keep Louisiana's and our Nation's Ag sector profitable and vibrant.

This bill will fund a number of specific items of benefit to Louisiana. I am pleased that these important items were included by the Appropriations Committee, and, as a member of the committee, I will continue to push for these important items to be included as we go to conference with the Senate.

Some of these items include provisions to help solve specific needs in Louisiana, such as dairy waste remediation and an unexplained disease in rice crops. To help the sugar industry, there is funding to upgrade a sugar research station in southeast Louisiana.

The bill also provides for a number of research initiatives, such as ongoing work to solve the Formosan termite infestation in Louisiana and important research funding that will benefit many of the different industries—from aquaculture to forestry, and many others—across the State.

Also, this bill funds many different rural development programs and includes provisions to provide for needs in a number of communities across Louisiana that can use rural development assistance to solve waste water problems, make improvements on drinking water systems, deal with storm runoff, and other needs.

Finally, there are provisions that direct the FDA to continue efforts to benefit Louisiana's seafood industry. Particularly, funding continues for the FDA to educate Americans on oyster consumption. And, to help deal with shrimp imports that contain chemicals harmful to humans, language has been included directing the FDA to test more shrimp to catch these chemicals so that . . .

These are just a few examples of how this bill will benefit Louisiana and our Nation. I thank Chairman BONILLA for crafting such a good bill, and I urge all members to support it.

Mr. STENHOLM. Mr. Chairman, I rise in strong support of H.R. 4766.

Mr. Chairman, once again the chairman and ranking minority member of the Agriculture Appropriations Subcommittee have done an excellent job under very tight constraints. The bill is well balanced and will allow the Agriculture Department, the CFTC, and other related agencies to carry out their various important functions.

Mr. Chairman, the cap on this bill binds very tightly. It represents a near hard freeze and, as a result, the Appropriations Committee had to cut into mandatory funding.

I was very proud of the work that the Agriculture Committee and this House did in developing the 2002 farm bill, and for me it was a great honor to be involved in its development. In a very forward-looking way, it addressed farm income, but it also made substantial investments in research, so that Amer-

ican agricultural technology can continue to lead the world; in conservation, so that our natural resources will continue to be available for generations to come; in rural development, so that our rural areas could make technology improvements and provide basic services; and in preserving our nutrition programs that protect the needy.

But because of this Congress' failure to take a similar, forward-looking approach to government debt, this appropriations bill cuts the funding for the reforms and investments that were so strongly supported in this House. The FY 2004 Agriculture Appropriations bill made substantial cuts in farm bill programs of over \$650 million, and this year's bill goes farther still to the tune of \$1.26 billion.

I find it somewhat disingenuous for the leadership of this House to profess their commitment to agriculture and the progress made in the farm bill—even leading members of their own party to believe that the farm bill will not be opened—and then attacking the farm bill in this back door approach. Whether we open the farm bill and cut agriculture because of reconciliation instructions or because of appropriations constraints, the end result still takes us to the same place—breaking our commitments to farmers and ranchers, to our commitments to conservation of our environment and protection of wildlife, and to the improvement of our rural economy. What is even a bigger shame is the fact that when you slowly dismantle the farm bill in this fashion, without the benefit of an overarching budget agreement, you still don't achieve a lower deficit/balanced budget.

I have said before and I repeat it again, agriculture is always willing to do its fair share for fiscal sanity. However, when we willy-nilly cut agriculture without regard to a bigger plan I have severe reservations.

Mr. Chairman, you can't blame the Appropriations Committee for this condition. They have worked on a bipartisan basis to provide the best bill possible in a bad situation. Amazingly, we are considering this bill without the benefit of even having a budget in place; our deficit in May reached \$347 billion—well on its way to \$500 billion before the current fiscal year ends.

But in order to meet the cap, this bill cuts these mandatory farm bill programs: Key research in the Initiative for Future Agriculture and Food Systems; small watershed rehabilitation; the Rural Strategic Investment Program; rural broadband and local rural television initiatives; funding for rural firefighters; the Wetlands Reserve Program; the EQIP program; the Conservation Security Program; the Wildlife Habitat Incentives Program; the Farmland Protection Program; and the Renewable Energy Systems Program.

Mr. Chairman, the farm bill—which was developed in a very inclusive and bipartisan manner—has been working very well. But our current fiscal policies—which are being developed without that kind of commonsense bipartisanship—are causing the piece-by-piece dismantling of the farm bill. I hope that the leaders of this House will soon reach across the aisle so that we can work together toward a common solution.

Mr. Chairman, earlier this year, the U.S. Forest Service grounded 33 of their heavy airtankers that were used to support firefighting program. Although a few of these planes have been cleared for service in this

fire season, we must work to develop long-term plans for the U.S. Forest Services' aerial firefighting program. I would like to work with the members of the Appropriations Committee in the future to help fund research and development of adequate aircraft to support our country's forest firefighting program.

Mr. Chairman, once again I commend Appropriations Committee members on both sides for their work on this important bill and I urge my colleagues to support its passage.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4766, the Agricultural Appropriations bill for fiscal year 2005.

H.R. 4766 provides \$16.8 billion in budget authority and \$18.0 billion in outlays—a decrease of \$875 million in BA and \$181 million in outlays from fiscal year 2004.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the Concurrent Resolution on the Budget for fiscal year 2005—H. Con. Res. 95—which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

H.R. 4766 continues the practice on Agriculture Appropriations bills of changing mandatory programs to generate savings to offset discretionary spending. This year's bill contains nearly \$1.3 billion in such changes to mandatory programs under the subcommittee's jurisdiction.

Let me conclude by commending Chairman BONILLA and Ranking Member KAPTUR for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. RUSH. Mr. Chairman, I rise to revise and extend my remarks. I would like to thank the chairwoman for her leadership today.

Madam Chairwoman, due to issues of education, migration and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent practices by dishonest and unscrupulous people. As you know, many African-American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant "land grab" among some in the southern States thereby robbing many African-American families of their ownership rights.

Madam Chairwoman, today African-Americans residing inside and outside of southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA (reclaiming ownership of southern assets) that is helping African-American families reclaim their stolen land. I hope that the Federal Government can also join in their effort to help right a wrong.

It is for this reason that I would like to respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families that have been illegally deprived of their property.

Mr. SOUDER. Mr. Chairman, I will not offer an amendment today with respect to the Food and Drug Administration, but I do want to put

on the record my disappointment with the agency with respect to issues of concern to the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair.

The first matter concerns the reluctance of the FDA to exercise its responsibilities to protect the health of Americans from specious medical claims made about marijuana. In recent years, a large and well-funded pro-drug movement has succeeded in convincing many Americans that marijuana is a true "medicine," to be used in treating a wide variety of illnesses. Unable to change the federal laws, however, these pro-drug activists turned to the state referendum process, and succeeded in passing a number of "medical marijuana" initiatives. This has set up a direct conflict between federal and state law on whether or not smoked marijuana is "medicine."

State laws purporting to legalize marijuana for medical purposes bypass these important safeguards. California and Oregon have adopted the most wide-reaching such laws. They allow anyone to use, possess, and even grow his own marijuana, provided he obtains the written "recommendation" of a doctor. Few, if any, restrictions are placed on what conditions marijuana may be used to treat; virtually no restrictions are placed on the content, potency or purity of such "medical" marijuana.

The laws adopted in California, Oregon, and other States are extremely open-ended; California law even allows marijuana to be used for migraine headaches. This has led to a number of uses of marijuana as "medicine" that I believe to be highly questionable. For example, Dr. Phillip Leveque, has personally written recommendations for over 4,000 people to use marijuana, many of whom he never met. A witness who testified before my Subcommittee, Dr. Claudia Jensen, has recommended that teenagers use marijuana for the treatment of psychiatric conditions like attention deficit disorder (ADD). We do not allow patients to grow their own opium poppies to make painkillers like morphine, Oxycontin and even heroin with just a "doctor's recommendation." We do not allow people to manufacture their own psychiatric drugs like Prozac or Xanax to treat headaches.

Why, then, should we authorize people to "grow their own" marijuana, when the potential for abuse is high and there is little or no scientific evidence that it can actually treat all of these illnesses and conditions? Why should we abandon the regulatory process that ensures that drugs are manufactured at the right potency level and contaminant-free? Why should we stop the oversight that makes sure that drugs are being administered in the right dosage and in the safest manner? Where has the FDA been in the debate on medical claims concerning an unapproved drug? It is absent from the debate, deferring to other law enforcement agencies. Why? The debate that is taking place concerns FDA's core competency: is smoked marijuana medicine or not? FDA's feeble response to this direct challenge to its authority is to provide a link to the National Institute on Drug Abuse on its website.

"Medical" marijuana referenda are a direct assault on nearly a century of food and drug law, and FDA needs to rise to its own defense. I ask unanimous consent that a letter to President Bush from Arthur T. Dean, Chairman and CEO of the Community Anti-Drug

Coalitions of America, be inserted in the record concerning this important point.

While FDA is almost negligent with respect to marijuana, it is nearly usurpatory with respect to on-site drug testing. Once again, the FDA is seeking to impose overly restrictive guidance on the manufacturers and consumers of on-site drug tests, an ill-conceived effort that runs directly counter to the President's initiative to increase the availability of student drug testing.

Many schools also use these tests to deter student drug use. In his State of the Union Address, President Bush stated that student drug testing is an effective deterrent to drug use. Hunterdon Central High School in New Jersey is a model school that has used on-site drug and alcohol tests for over six years without problems. The New Jersey Supreme Court has upheld the program. The FDA's regulation of on-site tests will make them expensive and difficult to use and may cause Hunterdon and other schools to forgo the use of this valuable tool to deter drug use from our children.

The FDA has proposed requiring an expensive and repetitive approval process for the testing kits and has proposed requiring onerous training and other requirements. One of the key studies cited by FDA as supporting the rationale behind promulgating its proposed guidance has been misinterpreted and has not been peer-reviewed. I urge the FDA to reconsider this proposal in light of its damaging effect on the Bush administration's priorities for protecting the health and safety of young people.

Additionally, I am concerned that FDA is not using the best and latest science to alert consumers to the risks in using products regulated by the agency. For example, studies have consistently demonstrated that condom use does not provide effective protection against infection with human papillomavirus (HPV). HPV is a sexually transmitted disease that causes nearly all cervical cancers. By way of comparison, nearly the same number of American women dies every year as a result of HPV/cervical cancer as do of HIV/AIDS. Despite these facts, FDA-approved condom labels have erroneously stated that condoms provide effective protection against STDs, and some condom companies have even claimed that condoms protect against HPV. In December 2000, President Bill Clinton signed Public Law 106-554 requiring the FDA to "reexamine existing condom labels . . . to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV." Four years later, FDA has yet to comply with this legal requirement by relabeling condoms to be medically accurate. FDA assured me at a hearing held in March that the agency would issue new recommendations before the end of this year.

Lastly, studies have also long demonstrated that use of the spermicide Nonoxynol-9 (N-9) increases risk for HIV infection. Yet the FDA, as recently as last year, stated on its website that "some experts believe nonoxynol-9 may kill the AIDS virus during intercourse, too. So you might want to use a spermicide along with a latex condom as an added precaution." FDA did publish a proposed rule requiring warnings for OTC vaginal contraceptives containing N-9 on January 16, 2003. This rule does not, however, apply to other products containing

N-9 and the agency is still weighing whether or not to require consumer alerts on condoms containing N-9.

The House Government Reform Committee on February 26 voted to approve "Views and Estimates on the Fiscal Year 2005 Budget of the United States" without dissent. This document urges the FDA to take action to alert consumers of the dangers posed by so-called "medicinal" marijuana, HPV and N-9. The American people are still waiting.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, May 7, 2004.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to instruct the Food and Drug Administration (FDA) to issue warning letters to all states, local governments, medical boards, website operators and sellers of marijuana explaining that the FDA has not approved botanical marijuana for "medicinal use" and that it cannot be advertised as such. Furthermore, I respectfully request that you direct the FDA to take action against entities that continue to falsely advertise marijuana as medicine with appropriate penalties.

It has recently come to my attention that the FDA has issued a multitude of warning letters to websites over: (1) weight loss claims, (2) the relationship between walnuts and the risk of heart disease, and (3) the potential risk of ultrasound 'keep-sake' images. Many, if not most of these claims, are based on little or no conclusive, scientific evidence. Mel Stratmeyer, Ph.D., in the FDA's Office of Science and Technology was quoted in an article related to the ultrasounds as saying, ". . . if there's even a possibility of potential risk, why take the chance."

If the FDA uses the standard of "possibility of potential risk," don't Americans also deserve to be protected from the demonstrably false claims being made about "medical marijuana." The public relies upon the FDA to advise them on medicine, based on sound medical evidence. To date, the FDA has not approved nor has it found any medicinal value in botanical marijuana, which is why it remains a Schedule I controlled substance. Despite this fact, websites, state and local governments, private vendors and doctors continue to advertise and endorse the medicinal value of smoked marijuana.

Marijuana is not a harmless drug; it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. The effort of the drug legalization movement, to promote "medical marijuana" to the public severely dilutes the prevention messages that community anti-drug coalitions across America are trying so hard to communicate: marijuana is dangerous and has serious consequences.

An April 2nd story in Reuters Health ("FDA Warns 16 Websites Over Weight Loss Claims) shows that the FDA is issuing warnings in these cases based on "false and misleading claims" that may have significant health consequences to the public. These same kind of claims are being made regarding "medical marijuana." Doctors and

websites are giving false hope to patients by telling them that marijuana will help them, without warning these patients of the potentially serious side effects of smoking marijuana. At a hearing before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Nora Volkow, Director of the National Institute on Drug Abuse (NIDA), the government's lead agency on drug abuse research, testified that even if marijuana were found to have medicinal value at some point in the future, doctors could not in good faith recommend patients smoke it because it is inherently toxic as a delivery system. When considering new drug therapies, any positive effects must outweigh the negative side effects.

Mr. President, I strongly urge you to instruct the FDA to send warning letters to all states, local governments, medical boards, websites and sellers of marijuana explaining that the FDA has not approved botanical marijuana for medicinal use and that it cannot be advertised as such. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,

*Major General, U.S. Army, Retired,
Chairman and CEO.*

Mr. ACKERMAN. Mr. Chairman, times have sure changed since this appropriations bill was last presented to this Congress. We were a country free of mad cow disease and I was trying to pass an amendment requiring that no funds from the bill be used to allow downed animals into our food supply. I stood before this Congress and said: Let us do everything we can to make sure that mad cow disease never enters this country. Let us take precautionary measures and prevent downed animals—livestock too sick to walk or stand—from entering our food supply and require those animals to be humanely euthanized.

This year, we are no longer a country free of mad cow disease and the USDA has since wisely implemented a series of interim final rules to strengthen food safety regulations in the United States. I applaud the USDA and FDA for their recent actions to strengthen safeguards against mad cow disease. I was pleased to read about recent regulations to remove highly infectious cattle materials from food, dietary supplementals and cosmetics. Though these regulations should have been in place years ago, I am thrilled to see that the USDA and FDA have embraced common sense policies to protect Americans.

In good faith that the USDA will continue to enact sound policies to strengthen food safety laws and protect cattle from inhumane treatment, I will not be introducing my amendment again this year. As the USDA reviews the 22,000 public comments regarding their interim ban on downed animals, I urge the Department to consider the overwhelming number of comments—over 99 percent—that are strongly in favor of the ban.

Mr. Chairman, I would also like to take this opportunity to assure fellow Members in this House, that any attempts to weaken or destroy the ban, will be met with the fury and resistance of the American people, who have overwhelmingly expressed their strong voice for a permanent downer ban. Let the record reflect that we fully expect that the final downer rule will be as strong, if not stronger, than the interim final rule. Tainted meat from sick animals has no business with American families. Let us not wait until the first case of the human form of mad cow disease is confirmed

before taking actions to ensure the safety of our meat. Let us continue to work with the USDA and FDA to implement policies so we never ever have to see an American fall victim to mad cow disease.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

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

The vote was taken by electronic device, and there were—yeas 389, nays 31, not voting 13, as follows:

[Roll No. 370]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehkert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)

Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)

Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella

Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchee
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren

Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)

Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Boucher
Burr
Buyer
Capuano
Coble
Conyers
Crane

Flake
Frank (MA)
Franks (AZ)
Goode
Gordon
Hefley
Johnson (CT)

Kucinich
Lewis (KY)
Markey
Marshall
McDermott
Meehan
Moran (VA)

Pascrell	Sensenbrenner	Stupak
Paul	Shays	Tancredo
Rohrabacher	Smith (WA)	
Royce	Stark	

NOT VOTING—13

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

Mr. BUYER changed his vote from "aye" to "no."

Ms. LOFGREN and Mr. UDALL of Colorado changed their voted from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VITTER. Mr. Speaker, I ask that the RECORD reflect that, had I been present, I would have voted "yea" on rollcall 370, on passage of H.R. 4766, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 37 and H.J. RES. 66

Mr. HILL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 37 and H.J. Res. 66.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. ROSS. Mr. Speaker, today I learned that I have been listed as a cosponsor of H.R. 3575, something I was not aware of and I did not ask to be cosponsor of, and I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

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

There was no objection.

BUSH ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY came to my home State of Ohio last week to try to explain the Bush economic policy, visiting a State with high unemployment, a State that has lost 200,000 jobs since President Bush took office, a State that has lost one-sixth of its manufacturing jobs and a State that has lost about 190 jobs every single day of the Bush administration.

His answer to every economic problem is more tax cuts for the wealthiest people. Somebody making a million dollars gets a tax cut of \$125,000, hoping it will trickle down to create jobs and more trade agreements like NAFTA, which instead have simply shifted jobs overseas.

We need to change direction on this economy. It is not working in Ohio. It is not working in the industrial Midwest. We need a better manufacturing policy that pays attention to American manufacturing but does not shift jobs overseas.

OIL-FOR-FOOD FRAUD

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, tonight we are going to begin to look at one of the most far-reaching scandals that our generation has seen. The Oil-for-Food fraud is possibly the largest scandal in the history of the United Nations. We have got several speakers who are going to address the situation there where the United Nations Security Council possibly changed the votes in order to benefit themselves and certainly became very close to this scandal of tremendous proportions. Iraqi individuals appear to have bribed or coerced members of the U.N. who are administering the program.

Mr. Speaker, it is a shame that this issue is only being addressed by one side of the House. I would request that my colleagues on both sides begin to talk about the Oil-for-Food scandal, which possibly reached \$10 billion and certainly affected the U.N. votes as we considered going to war with Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRUG REIMPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, while Congress is working to provide affordable pharmaceuticals to American citizens through reimportation legislation, the Bush administration is

working to undermine those efforts. We will soon vote on the United States-Australia Free Trade Agreement.

Article 17.9.4 of the U.S.-Australia Free Trade Agreement would allow pharmaceutical companies to prevent imports of drugs to the United States. That means the Australian Free Trade Agreement is directly inconsistent with provisions in the bipartisan drug reimportation bill sponsored by Senators DORGAN, MCCAIN, SNOWE, LOTT and DASCHLE. Under its comprehensive pharmaceutical benefits scheme, the Australian government negotiates today lower prices for its citizens through mass procurement. In other words, they use volume purchasing.

The U.S. pharmaceutical industry has made sure that our government cannot use mass procurement to bring down drug prices for U.S. citizens, and that is not good enough.

□ 1900

Now they want to go a step further.

The U.S. Trade Representative's office, the President's person at the trade table, has included language in the Australian Trade Agreement that will forbid importation of cheap, affordable and safe Australian pharmaceuticals into our country. The clear winners as always in this Congress, as always in the White House, the clear winners are the large pharmaceutical companies; and the big losers, again, as far as prescription drugs and the Republican leadership, the big losers are American consumers, particularly millions of American retirees who lack drug coverage.

The Bush administration and its pharmaceutical allies argue the only way to ensure lower drug prices for Americans is by raising drug prices on every other nation, ostensibly because these nations are not helping to pay for research and development. That argument is not just specious; it is absurd.

Foreign drug prices already are high enough to cover research and development costs and still return a healthy profit to the drug industry. If you do not believe me, look at Pfizer's balance sheet, look at Pharmacia's balance sheets, look at Merck's balance, look at Schering's balance sheet.

Glaxo is headquartered in England. Aventis is headquartered in France. Bayer is headquartered in Germany. Would these companies set up shop in a country where they cannot do business and make a profit? What if other companies do increase their drug prices? Do we really think the drug industry is going to turn around and reduce their prices just because they can get higher prices in Europe? Not on your life.

Drug companies charge U.S. companies outrageous drug prices for one reason and one reason only, because they can. The Australian Trade Agreement simply helps them get away with it in that country too. Drug industry profits to \$59 billion. Last year the drug industry has been virtually the only industry in America left unscathed by the