Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—42

Aderholt
Baird
Borski
Brady (PA)
Costello
Crane
Crowley
DeFazio
English
Green (TX)
Gutknecht
Hastings (FL)
Hefley
Hilliard
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Ramstad
Sabo
Schaffer
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED ''PRESENT''—2

Carson (IN)
Tancredo

NOT VOTING—23

Ballenger
Boucher
Cantor
Capuano
Clayton
Coyne
Dingell
Engel
Filner
Gutierrez
Hoyer
Hunter
Hutchinson
Jones (NC)
Knollenberg
Lewis (CA)
Norwood
Paul
Reynolds
Riley
Rogers (MI)
Scarborough
Weldon (PA)

□ 1117

Mr. OBERSTAR changed his vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 214, I was unavoidably detained. Had I been present, I would have voted ''nay.''

MOTION TO ADJOURN

Mr. MCNULTY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. COOKSEY). The question is on the motion to adjourn offered by the gentleman from New York (Mr. MCNULTY).

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

RECORDED VOTE

Mr. MCNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 11, noes 405, not voting 17, as follows:

[Roll No. 215]

AYES—11

Boehlert
Clay
Conyers
DeFazio
Eshoo
Frank
Gekas
Holt
McDermott
McNulty
Tiberi

NOES—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Capuano
Coyne
Dingell
Dooley
Engel
Evans
Filner
Hutchinson
Knollenberg
Lewis (CA)
Maloney (NY)
Myrick
Nadler
Paul
Riley
Roemer
Weldon (PA)

□ 1135

Mr. HILLEARY changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 215, I was unavoidably detained. Had I been present, I would have voted ''aye.''

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the further consideration of H.R. 2330 and that I may include tabular and extraneous material.

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

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 183 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. 2330.

□ 1135

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.

2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 28, 2001, the amendment by the gentleman from New York (Mr. ENGEL) had been disposed of and the bill was open for amendment from page 49, line 9, through page 57, line 15.

Pursuant to the order of the House of that day, no further amendment to the bill shall be in order except the following amendments, which may be offered only by the Member designated in the request, or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

An amendment by the gentleman from Ohio (Mr. TRAFICANT) regarding Buy American for 10 minutes;

An amendment by the gentleman from Maine (Mr. ALLEN) related to total cost of research and development and approvals of new drugs for 10 minutes;

Three amendments by the gentlewoman from Ohio (Ms. KAPTUR) related to biofuels, BSE, and the 4–H Program Centennial, each for 10 minutes;

An amendment by the gentleman from Oklahoma (Mr. LUCAS) related to watershed and flood operations for 10 minutes;

Two amendments by the gentlewoman from Hawaii (Mrs. MINK) related to the Hawaii Agricultural Research Center and the Oceanic Institute of Hawaii, each for 10 minutes;

An amendment by the gentleman from Oregon (Mr. BLUMENAUER) related to price supports for 10 minutes;

An amendment by the gentleman from California (Mr. ROYCE) related to allocations under the market access program for 10 minutes;

Three amendments by the gentleman from Michigan (Mr. SMITH) related to the Food Security Act, the Agricultural Market Transition Act, and the nitrogen-fixing ability of plants, each for 10 minutes;

An amendment by the gentleman from California (Mr. BACA) related to Hispanic-serving institutions for 10 minutes;

An amendment by the gentlewoman from California (Ms. PELOSI) related to HIV for 10 minutes;

An amendment by Mr. BROWN related to abbreviated applications for the approval of new drugs under section 505(j) of the Food, Drug and Cosmetic Act for 20 minutes;

An amendment by the gentleman from Michigan (Mr. STUPAK), or the gentleman from New York (Mr. BOEHLERT), related to elderly nutrition, for 20 minutes;

An amendment by the gentlewoman from North Carolina (Mrs. CLAYTON) related to socially disadvantaged farmers for 20 minutes;

An amendment by the gentleman from New York (Mr. HINCHEY) related to American Rivers Heritage for 30 minutes;

An amendment by the gentleman from Ohio (Mr. KUCINICH) related to transgenic fish for 30 minutes;

An amendment by the gentleman from Minnesota (Mr. GUTKNECHT) related to drug importation for 30 minutes;

An amendment by the gentleman from Vermont (Mr. SANDERS) related to drug importation for 40 minutes;

An amendment by the gentleman from New York (Mr. WEINER) related to mohair for 40 minutes; and

An amendment by the gentleman from Massachusetts (Mr. OLVER), or the gentleman from Maryland (Mr. GILCHREST), related to Kyoto, which may be brought up at any time during consideration, for 60 minutes.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the last word to permit me to engage in a colloquy with the distinguished chairman of our Committee on Agriculture, the gentleman from Texas (Mr. BONILLA).

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

There was no objection.

Mr. GILMAN. Mr. Chairman, I appreciate the efforts of the gentleman from Texas (Mr. BONILLA) to provide assistance to all of the farmers throughout our Nation. Our onion growers in Orange County, New York, have suffered devastating losses over the past 5 years due to weather problems and are in desperate need of meaningful assistance.

The small sums which crop insurance have paid to these onion growers due to their losses failed to provide anything close to minimal relief. Accordingly, our farming families continue to lose their farms. Individuals are being uprooted in and a traditional way of life is being jeopardized and a segment of our national food supply is being further diminished.

Our Hudson Valley onion growers represent one of the largest onion growing areas east of the Mississippi. These are the very upheavals which crop insurance was designed to prevent.

While I know it will come as no surprise to our distinguished chairman that our onion growers in Orange County are proud that they have sought very few government subsidies, however the current plight of these hardworking producers threaten the overall fate of our Hudson Valley, our State, and our Nation's agricultural industry. As their representative, I can no longer allow this devastating situation to go unnoticed and unassisted and will greatly appreciate the willingness of the chairman to work with me on this important matter.

Accordingly, can I ask the commitment of the gentleman from Texas (Mr. BONILLA) to work with me in the conference committee to provide assistance to our onion growers in Orange County, New York, who have incurred substantial crop losses due to the damaging weather-related conditions in 3 of the last 4 years?

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

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

Mr. BONILLA. Mr. Chairman, I would first of all like to say that I hope that the constituents back home of the gentleman from New York (Mr. GILMAN) understand how hard he has been working on this issue.

Mr. GILMAN. I appreciate that.

Mr. BONILLA. This is not something that, as the gentleman is presenting it to us today, we are hearing for the first time. The gentleman has done yeoman's work on bringing this issue to our attention; and we know it is a very serious problem.

It is going to be a difficult issue for us to deal with, but I do commit to the gentleman that we will do what we can and whatever might be possible between now and conference to help the growers back home.

Mr. GILMAN. I thank the gentleman from Texas (Chairman BONILLA) for his encouraging words, and I look forward to working with him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $2,950,000, solely for carrying out section 804 of the Federal Food, Drug, and Cosmetic Act, to be available only after the requirements of section 804(l) have been satisfied.

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

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

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $34,281,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $70,700,000, including not to exceed $2,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION OF ADMINISTRATIVE EXPENSES

Not to exceed $36,700,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2002 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 379 passenger motor vehicles, of which 378 shall be for replacement only, and for the hire of such vehicles.

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

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

SEC. 704. The Secretary of Agriculture may transfer unobligated balances of funds appropriated by this Act or other available unobligated balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 25 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

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

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

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

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2002 shall remain available until expended to cover obligations made in fiscal year 2002 for the following accounts: the Rural Development Loan Fund program account; the Rural Telephone Bank program account; the Rural Electrification and Telecommunications Loans program account; the Rural Housing Insurance Fund program account; and the Rural Economic Development Loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a state or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

SEC. 714. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may hereafter enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of

both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2002, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 722. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out section 793 of Public Law 104–127, the Fund for Rural America (7 U.S.C. 2204f).

SEC. 723. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred prior to enactment of this Act, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 724. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 725. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2003 appropriations Act.

SEC. 726. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

SEC. 727. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 728. In addition to amounts otherwise appropriated or made available by this Act, $4,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center.

SEC. 729. Hereafter, refunds or rebates received on an on-going basis from a credit card services provider under the Department of Agriculture's charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 7 U.S.C. 2235 and used to fund management initiatives of general benefit to the Department of Agriculture bureaus and offices as determined by the Secretary of Agriculture or the Secretary's designee.

SEC. 730. Notwithstanding section 412 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f) any balances available to carry out title III of such Act as of the date of enactment of this Act, and any recoveries and reimbursements that become available to carry out title III of such Act, may be used to carry out title II of such Act.

SEC. 731. Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) is amended by striking ''$25,000,000'' and inserting ''$26,000,000''.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to issue a notice of proposed rulemaking, to promulgate a proposed rule, or to otherwise change or modify the definition of ''animal'' in existing regulations pursuant to the Animal Welfare Act.

SEC. 733. Notwithstanding any other provision of law, the City of Cabot, Arkansas, and the City of Coachella, California, shall be eligible for loans and grants provided through the Rural Community Advancement Program.

SEC. 734. Notwithstanding any other provision of law, the Secretary shall consider the City of Casa Grande, Arizona, as meeting the requirements of a rural area in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

SEC. 735. Notwithstanding any other provision of law, the City of Saint Joseph, Missouri, shall be eligible for grants and loans administered by the rural development mission areas of the Department of Agriculture.

SEC. 736. Notwithstanding any other provision of law, the Secretary of Agriculture shall consider the City of Hollister, California, as meeting the requirements of a rural area for the purposes of housing programs in the rural development mission areas of the Department of Agriculture.

SEC. 737. None of the funds appropriated or otherwise made available by this Act may be used to maintain, modify, or implement any assessment against agricultural producers as part of a commodity promotion, research, and consumer information order, known as a check-off program, that has not been approved by the affected producers in accordance with the statutory requirements applicable to the order.

SEC. 738. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis (recently renamed the Division of Pharmaceutical Analysis) in St. Louis, Missouri, except that funds could be used to plan a possible relocation of this Division within the city limits of St. Louis, Missouri.

SEC. 739. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 2000; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS

SEC. 740. (a) ASSISTANCE AVAILABLE.—The Secretary of Agriculture shall use $150,000,000 of funds of the Commodity Credit Corporation to make payments as soon as possible after the date of the enactment of this Act to apple producers to provide relief for the loss of markets for their 2000 crop.

(b) PAYMENT BASIS.—The amount of the payment to a producer under subsection (a) shall be made on a per pound basis equal to each qualifying producer's 2000 production of apples, except that the Secretary shall not make payments for that amount of a particular farm's apple production that is in excess of 20,000,000 pounds.

(c) DUPLICATIVE PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market loss for apples to the extent of that amount that the producer received as compensation or assistance for the same loss under any other Federal program, other than under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) OTHER TERMS AND CONDITIONS.—The Secretary shall not establish any terms or conditions for producer eligibility, such as limits based upon gross income, other than those specified in this section.

(e) APPLICABILITY.—This section applies only with respect to the 2000 crop of apples and producers of that crop.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74 line 21 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT NO. 12 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. 12 offered by Ms. KAPTUR:

Add before the short title at the end the following new section:

SEC. ____. Of the amount provided in title I under the heading ''EXTENSION ACTIVITIES'', $500,000 shall be available to support the National 4–H Program Centennial Initiative, as authorized by the Act entitled ''An Act to authorize funding for the National 4–H Program Centennial Initiative''.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 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, I intend to withdraw the amendment after a brief discussion due to an understanding with the gentleman from Texas (Mr. BONILLA) to look for funds for the celebration of the centennial anniversary of National 4–H as we move toward conference.

Also, I do this out of respect for the National 4–H leadership that has committed not to have those funds come at the expense of existing extension programs which are already stretched.

□ 1145

Our amendment would provide funding pursuant to an authorization that was approved by the House 2 weeks ago when we voted for S. 657, the National 4–H Program Centennial Initiative. The centennial will occur next year, but planning obviously needs to begin immediately. In fact, the President signed the relevant legislation yesterday. That measure was a companion bill to H.R. 1388, introduced by the gentleman from Iowa (Mr. GANSKE). That measure authorized $5 million for the National 4–H Council, with the expectation that those funds would be matched by private contributions, and it also assumed the Secretary could use the Fund for Rural America to finance some of the operations. However, there is money for neither of these options in the bill.

Now, I think every American has been touched in some way by 4–H. It operates in over 3,000 counties in each of our States and provides truly constructive opportunities to young men and women in both rural and urban areas. Just the fact that this magnificent organization has existed for a century is something all Americans can truly celebrate.

But should this appropriation bill move forward without at least beginning to address the funding issue, there is the risk that the support for the centennial initiative would come too late. The amount today that is in my amendment, $500,000, is only one-tenth of the amount that is necessary, but it would get the activity going and demonstrates we are serious about full support.

Over the coming months, between now and the final conference on the bill, proponents will be in a position to work to identify the right amount of resources needed for the program and to secure additional funds for this bill. While today's amendment suggests that $500,000 out of existing extension funds could be used, the long-term intention is to obtain an increase for extension to finance the activity.

So, Mr. Chairman, in withdrawing this amendment, let me just say that this Member, and I think the entire membership of the House, in voting for this centennial celebration, would want to assure the success of all activities related to it. The planning that must begin this year and all the celebrations in the year 2002, will touch thousands and thousands of lives of young people in our communities and all the good works that they do. The 4–H deserve the full support of this Congress, and we look forward to working with the chairman as we move toward conference.

The CHAIRMAN. Without objection, the amendment of the gentlewoman from Ohio (Ms. KAPTUR) is withdrawn.

There was no objection.

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

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, just briefly, I would like to acknowledge the gentlewoman's hard work on this issue and commit to working with her as we move to conference to addressing the needs of our good 4–H people around the country.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the chairman very much for his openness and willingness to work with us as we move toward conference.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. 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. PELOSI:

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

SEC. 7___. Of any shipments of commodities made pursuant to section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from California (Ms. PELOSI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. PELOSI).

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

Mr. Chairman, as a member of the Committee on Appropriations, I am pleased to rise and join the gentlewoman from North Carolina (Mrs. CLAYTON), a member of the authorizing committee, the Committee on Agriculture, in offering this amendment to ensure continued funding to reduce the burden of hunger for HIV–AIDS patients and children orphaned by AIDS in the developing world.

I commend the gentlewoman from North Carolina (Mrs. CLAYTON) for her leadership on this issue. She worked with us on this issue in the Committee on Agriculture as well as a member of the Congressional HIV Task Force. She developed this proposal, and her leadership has been very important, because this amendment affects so many millions of families worldwide.

I would like to thank the gentleman from Texas (Chairman BONILLA) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for their leadership on the subcommittee and their support for this amendment.

Mr. Chairman, I will submit my statement for the record, but I just want to make two quick points. Poor nutrition accelerates the progression of HIV to AIDS, and an adequate food supply is critical to any prevention and care strategy. When a family member becomes infected with HIV, household food production is undermined, limited financial resources are used for medical costs rather than crop production, and family members are forced to care for the sick, rather than work in the fields.

Starting last year, $25 million was provided through the Food for Peace program to reduce the burden of hunger for families impacted by AIDS through agricultural improvement, maternal and child health programs and direct distribution of food commodities. Today's amendment will continue this vital funding. I wish that we could have the number be higher in the future, but the $25 million called for here is a very, very important addition.

I thank my colleagues for their support of this important amendment.

Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), the real author of this amendment, and commend her for her tremendous leadership.

Mrs. CLAYTON. Mr. Chairman, I want to thank the gentlewoman from California for her leadership on this and also her continuous and longstanding leadership in fighting AIDS.

This is a unique opportunity to do good while doing well. The Food for Peace program allows us to make contributions all across world where there is suffering. What better effort than to direct $25 million of the Food for Peace program to intervene and make the quality of life of families who are suffering from AIDS, of children who are orphaned from AIDS, to make this as an opportunity.

As the gentlewoman from California (Ms. PELOSI) said already, this program is available to be a prevention-intervention program. We are increasingly

aware that the medication alone does not improve health by itself. Not only that, but because of the health condition of the individual, their productivity and ability to afford food has been decreased drastically.

I am very happy that the Republicans, as well as the Democrats, all support this, and I want to commend the chairman for his support of this amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I rise to simply state that I am not opposed to the gentlewoman's amendment. A similar provision was included in the conference agreement last year as section 743 of our bill, without any objection of which I am aware. I would hope that we can quickly move to a vote on this issue, and commend the gentlewoman's work on this very important issue.

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

Mr. Chairman, I thank the distinguished chairman of the committee for his words of cooperation.

Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR), the very distinguished ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I want to compliment the wonderful, wonderful gentlewoman from California (Ms. PELOSI) and the gentlewoman from North Carolina (Mrs. CLAYTON). Would I not know that the two of them would do something this significant? What they are proposing is only to continue what the House had agreed to do in conference last year, and that is to use the food power of this country to help alleviate suffering around the world, and certainly the plague of HIV/AIDS.

Their effort uses the power of food in the most creative way possible. Yet the sponsors of the amendment and all who support it should keep in mind that the President's budget proposes a review of the 416 programs with an eye toward reducing their availability. So, those who utilize and understand these programs need to be prepared to speak out before these programs are eliminated or reduced.

I want to thank the gentlewomen for bringing this up before the full House to make sure that we effectively use the dollars that are there, and not permit the food surplus of this country to be subscribed in a way that would not be made available to those who truly need it globally. I support them in their efforts.

Ms. PELOSI. Mr. Chairman, I rise to join Representative CLAYTON in offering this amendment to ensure continued funding to reduce the burden of hunger for HIV/AIDS patients and children orphaned by AIDS in the developing world. I commend Representative CLAYTON for her leadership on this issue, which affects so many millions of families worldwide. I would also like to thank Ranking Member KAPTUR and Chairman BONILLA for their leadership on the Subcommittee and their support for this amendment.

We have all heard the staggering statistics—36 million people infected with HIV, 22 million deaths from AIDS, and nearly 14 million children orphaned. Archbishop Desmond Tutu has said, ''AIDS in Africa is a plague of biblical proportions. It is a holy war that we must win.'' It is indeed, and the battles in this war occur on many fronts.

Poor nutrition accelerates the progression from HIV to AIDS. In addition to the prevention, treatment, and infrastructure needs that must be addressed to stem the tide of the pandemic, we must also recognize that good nutrition is critical to any prevention and care strategy.

The impact of HIV/AIDS on poor families goes beyond the pain that accompanies the loss of a loved one. AIDS strikes people during their most productive years, and family income is cut by more than half when a parent is sick.

Household food production is undermined as limited financial resources are used for medical costs rather than crop production, and family members are forced to care for the sick rather than work in the fields. Many families must mortgage their land and sell productive assets, including livestock, to pay for food and medicine.

The U.S. has sought to reduce the burden of hunger that results from families' diminished ability to produce food. Starting last year, $25 million was provided through the Food for Peace program to improve food security through agricultural improvement, maternal and child health programs, and direct distribution of food commodities.

Today's amendment continues this vital funding. I thank my colleagues for their support of this important amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. PELOSI).

The amendment was agreed to.

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:

Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to eliminate the two river navigator positions, including the contract position, for the Hudson River and Upper Susquehanna/Lackawanna Rivers or to alter the tasks assigned to the persons filling such positions.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 15 minutes.

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

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

Mr. Chairman, this is an amendment that ensures that two Federal positions designated as river navigator positions, including the contract positions for the Hudson River and the Susquehanna River, will continue to function, and that they will be funded in this appropriations bill.

I want to express my appreciation to the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), for working with us on this very important subject. I also want to express my appreciation to the gentleman from Pennsylvania (Mr. KANJORSKI), who has also been very deeply concerned about the continuation of these positions, particularly in his case the position of river navigator for the Susquehanna River, which is a river that flows through Pennsylvania as well as New York.

I believe that the language that we have arrived at here is language which is acceptable to the chairman of the subcommittee, and that the amendment will be accepted by him.

Before I ask him that, I just want to make the point that these two positions are very, very important. What they do is they coordinate all Federal programs on these two rivers. These two rivers are two very important rivers, the Susquehanna, of course, feeding into the Chesapeake Bay, and there are a great many Federal programs, including programs consistent with the Federal Clean Water Act and others, that are very important to these rivers and the people who live along them. Therefore, Federal coordination of all programs associated with these rivers is very important.

I thank the chairman of our subcommittee, the gentleman from Texas, for recognizing that importance, and I want to express to the gentleman my appreciation for the ability to work with him and express my pleasure in having had the opportunity to work with him on this important issue.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I want to acknowledge the good amendment that the gentleman from New York is offering, and tell him that we are delighted to accept the amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to thank the chairman for his support of our very able colleague from New York who has such a persevering record on attempting to get the American Heritage Rivers Initiative fully operational for the city of New York and for rivers immediately adjacent to and in his district, so that these local river conservation plans become more than plans, but, in fact, help us to preserve the precious fresh water resource

that is ours alone in this quadrant of the United States.

I would have to just say as the ranking member on the subcommittee, no Member has fought harder for this program than the gentleman from New York (Mr. HINCHEY), and the people of New York have sent the right man here to represent them.

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

Mr. Chairman, I want to thank the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on our Subcommittee on Agriculture of the Committee on Appropriations, for those very kind words, and for her diligent and very effective work on the committee. Once again, I want to extend my appreciation to the chairman of our subcommittee and also to the staff that works under his direction for their assistance in putting this amendment together and for its successful acceptance.

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 NO. 20 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 No. 20 offered by Mr. SANDERS:

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

SEC. 7 . None of the amounts made available in this Act for the Food and Drug Administration may be used for enforcing section 801(d)(1) of the Federal Food, Drug, and Cosmetic Act.

□ 1200

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 20 minutes.

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

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

Mr. Chairman, this tripartisan amendment is offered by the gentleman from New York (Mr. CROWLEY), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from California (Mr. ROHRABACHER), and the gentleman from Texas (Mr. PAUL).

It is about lowering the cost of prescription drugs so that the American people do not have to pay by far the highest prices in the world for prescription drugs. It is about ending the national disgrace of tens of thousands of American citizens in New England, the Midwest, the Northwest, from having to go across the Canadian border in order to purchase the same exact prescription drugs that they buy at home for 50 percent of the cost or 60 percent of the cost or 20 percent of the cost.

It is about ending the absurdity of American citizens in California, Texas, Arizona, and the southern parts of our country of having to go to Mexico for the same exact reason.

It is about allowing women in the United States who are fighting for their lives against breast cancer so they do not have to pay 10 times more than the women in Canada for Tamoxifen, a widely prescribed breast cancer drug.

It is about telling the drug companies that they can no longer charge the American people $1 for drugs when those same exact products are sold in Germany for 60 cents, France for 51 cents, and Italy for 49 cents, the same exact products made by the same exact companies.

Mr. Chairman, for decades now, good people, Democrats, Republicans, in the House and in the Senate, have attempted to do something about lowering the cost of prescription drugs in this country so that the American people do not have to pay outrageously high prices for their medicine, so that doctors do not have to write out prescriptions knowing that their patients cannot afford to fill them. But year after year with lies, with scare tactics, with well-paid lobbyists and massive amounts of campaign contributions the pharmaceutical industry always wins. They never lose.

In the last three years alone the drug companies have spent $200 million in campaign contributions, lobbying and political advertising. In the last election cycle they doubled the amount of campaign contributions from 9 million to $18 million, and I have no doubt that they are prepared to double it again.

The issue today is not only the high cost of prescription drugs. The issue today is whether the Congress has the guts to stand up for their constituents, people who are being ripped off, people who are dying and suffering because they cannot afford sky-high prescription drug prices; or do we cave in again to the pharmaceutical industry that is spending so much money trying to buy our votes.

The pharmaceutical industry has endless amounts of money. Year after year the industry sits at the top of the charts in profits. The top 10 companies last year made $27 billion in profits. They have a lot of money to spend on Congress. Their top executives, well, they have a lot of money to spend too.

A report came out yesterday from Families U.S.A., which talked about the compensation of executives in the pharmaceutical industry.

At a time when Americans die and suffer because they cannot afford prescription drugs, you might be interested to know that the CEO of Bristol-Myers Squibb has unexercised stock options of over $227 million. Elderly people cannot afford prescription drugs, and this CEO has unexercised stock options of over $227 million. Pfizer has $130 million in unexercised stock options. Merck has $180 million, and on and on it goes.

Mr. Chairman, today in a tripartisan amendment, the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from New York (Mr. CROWLEY), the gentleman from California (Mr. ROHRABACHER), the gentleman from Texas (Mr. PAUL), and I are offering an amendment that is exactly the same as the Crowley amendment that won overwhelmingly in the House last year by a vote of 363 to 12.

As was the case last year, this amendment will serve as a place-holder that will allow the Senate and conference committees to address the pricing loopholes contained in last year's bill.

Mr. Chairman, a lot of people here talk about free trade. In a globalized economy where we import millions of tons of beef, pork, vegetables, and all kinds of food products from virtually every country on earth, it is high time that we end the monopoly that the drug companies have on the importation and reimportation of prescription drugs in this country.

Prescription drug distributors and pharmacists should be able to purchase and sell FDA safety-approved medicines at the same prices as they are bought and sold in Canada, England, and every other major country. The passage of reimportation could lower the cost of medicine in this country by 30 to 50 percent and enable Americans to pay the same prices as other people throughout the world. In a Nation which spends $150 billion a year on prescription drugs, lowering the cost by a conservative 30 percent could result in a $45 billion-a-year savings.

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

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

The gentleman seeks to solve one problem by creating another, and I am going to cite some very, very serious testimony here from the Food and Drug Administration that was presented in front of the gentleman from Pennsylvania (Mr. GREENWOOD) and his Subcommittee on Oversight and Investigations just last month.

At the hearing, the FDA stated, and I quote: ''From a public health standpoint, importing prescription drugs for personal use is a potentially dangerous practice. FDA and the public do not have any assurance that unapproved products are effective or safe or have been produced under U.S. good manufacturing practices. U.S.-made drugs that are reimported may not have been stored under proper conditions or may not be the real product, because the U.S. does not regulate foreign distributors or pharmacies. Therefore, unapproved drugs and reimported approved medications may be contaminated, subpotent, superpotent, or even counterfeit.''

The FDA also said, and I quote: ''Under FDA's personal importation policy, FDA inspectors may permit the importation of certain unapproved prescription medications for personal use.

The current policy permits the exercise of enforcement discretion to allow entry of an unapproved prescription drug if: the product is for personal use, (a 90-day supply or less, and not for resale); the intended use is for a serious condition for which effective treatment may not be available domestically (and, therefore, the policy does not permit inspectors to allow foreign versions of U.S.-approved drugs into the U.S.); or there is no known commercialization or promotion to U.S. residents by those involved in the distribution of the product.''

There are several other points here, but the bottom line is, this could be a dangerous threat to consumers in this country. This is ironclad testimony from the FDA on indicating that this could be potentially dangerous.

The FDA has not officially permitted the importation of foreign versions of U.S.-approved medications, even if sold under the same name, because these products are unapproved, and the agency has no assurances that these products are safe or effective. I would like to inform my colleagues that both the Committee on Energy and Commerce, which is the authorizing committee for the FDA, and the administration strongly oppose this language and any other language allowing for importation of drugs.

So I rise in strong opposition. We will be hearing from other good Members from the Committee on Commerce as well in just a few minutes.

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

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the cosponsor of this legislation and a real fighter in terms of lowering the price of prescription drugs.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanders-Crowley-Rohrabacher-DeLauro-Paul amendment to help American families and seniors get the necessary prescription drugs at affordable prices. With spending on prescription drugs by seniors and others up by 18 percent last year to nearly $21 billion, we need to do everything that we can to make them safe, effective, and affordable, make these drugs accessible to those who need them.

One would think that this is a goal that we could rally around. But no, once again, we are being fought by the pharmaceutical industry. They oppose reimportation. That poses the question: What exactly are they for?

They are against the Medicare prescription drug benefit for all seniors. They are opposed to the Allen bill that would allow for pharmacists to be able to purchase at a discounted rate, the pharmaceuticals that Germany, France, Britain, and others can purchase. They are against across-the-board price reductions. They never tell us what they are for.

In fact, the only thing they seem to be for is extending their patents and seeing their profits increase.

Last year, the top 10 pharmaceutical companies earned $26 billion in profits. They oppose this amendment because the bill might cut into its considerable profit margin. They are waging a massive million dollar campaign to protect their agenda across the board. Over the past five election cycles, the Pharmaceutical Research and Manufacturers Association, the trade group for brand-name drug companies, gave nearly $360 million in political contributions, lobbying and advertising campaigns, to protect its legislative agenda.

Mr. Chairman, there are opponents of this amendment who raise the safety issue. The fact is that reimportation is safe. It has worked for years in Europe. Twenty-five percent of drugs consumed in European countries are reimported. This legislation requires all imported drugs to be the exact same FDA-approved medications that are sold in the United States. Pharmaceutical labels must comply with FDA regulations.

Last year, Dr. David Kessler, the former FDA Commissioner under Presidents Bush and Clinton, stated that U.S.-licensed pharmacists and wholesalers would be able to safely import quality prescription drugs. He believes the importation of prescription drugs can be done without causing a greater health risk to American consumers.

Let me just say that GlaxoWellcome is a British company. They send drugs to the United States, and they are perfectly well approved.

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

Mr. OBEY. Mr. Chairman, I absolutely believe that we need to control the cost of prescription drugs for seniors, but this is a terribly misguided way to do it. I understand that the people who speak for this amendment are very well motivated, but the fact is that they run the risk because they are tackling this issue indirectly rather than directly, they run the risk of allowing large numbers of adulterated drugs into this country.

It is one thing to fight for access to affordable drugs for seniors; it is another thing in the process to open our seniors up to the dangers of adulterated or expired drugs, and that is exactly what this amendment does.

If we take a look at what happened last year when we ran into a similar approach, try though the Congress did, we wound up producing an importation process which the Secretary of Health and Social Services said she could not certify as to efficacy or safety, and so that proposal could not go forward.

I would point out that every Member of the House has a letter from the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce, and the gentleman from Michigan (Mr. DINGELL), the ranking member, and various other members of the committee, which says the following: ''Despite anybody's best intention, if the Sanders amendment becomes law, our citizens will have no idea whether the source of their pills is an FDA-approved facility or an unregulated warehouse rented for the weekend by big business counterfeiters and larcenists seeking to penetrate the U.S. market. Drug counterfeiters present a severe and growing threat to the health and safety of the United States consumers.''

If we want to deal with this problem, in my view, the correct way is to support the Allen legislation, because that attacks this issue directly. It directly lowers the price that is charged to seniors; it does not force seniors to have to rely on questionable products introduced into this country by larcenist sellers and winds up threatening the health of senior citizens.

Mr. Chairman, I urge a ''no'' vote on this amendment.

Mr. SANDERS. Mr. Chairman, just as a point of fact, Donna Shalala did not implement last year because of safety. It had nothing to do with safety; it had to do with pricing loopholes.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), who has done an excellent job on this issue.

□ 1215

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman from Vermont for yielding time to me. I want to show a couple of charts, because we are going to have several debates. This amendment is somewhat broader than the one that I have drafted, but it really revolves around a couple of important points.

One is the issue of price. I do not think anybody here today is going to dispute this chart. I did not make this chart. This was done by the Life Extension Foundation. The information is about 2 weeks old.

If we compare what Americans pay to what Europeans pay, and we are talking about Europe here, not Mexico, not Third World countries, but we are talking about Switzerland and Germany, where they do not have price controls, at some point we are going to have to explain to our constituents why we stand idly by and allow this chart to exist.

The issue they are going to raise, and it is going to be a red herring, is safety. Safety. Understand this, Mr. Chairman, every day millions of pounds of raw meat and vegetables come into this country, and we have checked with the FDA, it is the Food and Drug Administration, their own study in 1999 said that 4.4 percent of the produce coming into the United States has dangerous pathogens, including 3.3 percent have salmonella.

Do Members know what can happen if we get salmonella? We can get real sick. In fact, we can die. That is every day that is coming into the United States. Yet, there is no known scientific study where consumers in the United States have been injured importing legal drugs from G–8 countries, not one. As a matter of fact, if we had

heard that, it would be all over. I suspect the pharmaceutical industry would have that over every newspaper and on television.

The truth of the matter is that there is almost no risk to consumers to bringing legal drugs back into the United States.

They are going to talk about illegal drugs. Nothing in the Sanders amendment, nothing in my amendment, nothing that is going to be discussed today is about legalizing illegal drugs. We are not talking about the Medellin drug cartel, which incidentally does ship billions of dollars worth of illegal drugs into the United States, and the FDA is unable to do almost anything about it. What we are talking about today is law-abiding citizens that have legal prescriptions that are buying FDA-approved drugs from other countries.

If Members cannot explain that earlier chart, they should vote for this amendment and they should vote for my amendment.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD), who is the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding time to me. I applaud the motives of the makers of the amendment. I voted for the measure of the gentleman from Minnesota (Mr. GUTKNECHT) last year. I have looked into the issue a lot further since then and now oppose it.

The previous speaker talked about the ability to assure that these drugs are safe. Our seniors need safe and cost-effective drugs, affordable drugs.

Here is what we found out. Institutions like this, counterfeiters, are able to produce drugs in vermin-filled, filthy, and unhygienic conditions. This is what they produce. They produce drugs, counterfeit drugs, that look exactly like the real thing. There is another example of that that we will put up of a drug that looks exactly like ours.

The point of the matter is, if we want seniors to have affordable drugs and safe drugs, help is on the way. This morning's Washington Post says, ''Bush Has Pharmacy Discount Card Plan.'' We are on the verge of providing senior citizens affordable drugs. We can assure that they are safe, and they are not dangerous drugs that are imported from rat-infested, filthy laboratories like this one.

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), our cosponsor.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Sanders amendment. We have to take a look at the substance here, instead of trying to be diverted away from the central point of what is going on by scare tactics.

I do not know if any Members have had calls come to their office last night, but I had calls. My office was flooded with calls from people who had been told that the Sanders amendment meant that marijuana and heroin and all sorts of drugs would be permitted to flow across the border. That type of scare tactics is unseemly in a debate as important to the health of the American people as the issue that we are discussing today.

It appears that the people on the other side of this issue are so afraid of the actual facts that they have succumbed to this type of scare tactic and dishonesty. That should play no part of this debate.

Let me note that we are being told that there will be a few Americans who will be hurt if we pass the Sanders amendment because some people will get hold of counterfeit drugs, some people will get hold of drugs that are not exactly regulated correctly and produced correctly.

Yes, a few Americans might be hurt, and let us admit that. But what we are talking about is the vast number of Americans who will be hurt if they cannot afford to buy drugs. Certainly the number of people who will be hurt by this is far less than the number of people who are deterred from taking drugs that are important to their health because they just cannot afford them.

This bill permits people, American citizens, and especially those who live near the borders of another country, to go across those borders and buy drugs that are being sold at a cheaper rate. Sometimes we have seen it to be half as much, a third as much, sometimes one-quarter or 20 percent the price across that border than what they would have to pay in the United States.

It makes no sense for us to talk about globalizing the economy and globalizing the world economy without letting our people benefit from the competitive advantages, the consumers' competitive advantages in dealing on an international market.

We believe, okay, in free trade. We believe in a competitive market and a global market. Let us let the American consumer benefit from that. What will happen if we pass this amendment is that there will be pressures, competitive and market pressures, on our own drug producers here in the United States to lower the price of their product in the United States as well. By defeating the Sanders amendment, we are not protecting anybody. What we are doing is keeping the prices high and protecting the pharmaceutical companies from competition.

I like the pharmaceutical companies, and I appreciate the good job that they have done for the American people and for the people of the world in developing new drugs. But that does not mean that they should be free of competition. That does not mean that they should be able to have differential pricing in one country versus another.

Let us stand up for the American people and also stand up for competition at the same time.

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

Mr. Chairman, it was pointed out by the distinguished gentleman from Minnesota (Mr. GUTKNECHT) a moment ago that in this letter that comes from the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and other subcommittee chairs, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentleman from Florida (Mr. DEUTSCH), it points out clearly, the ALS Association, the National Prostate Cancer Coalition, the Cystic Fibrosis Foundation, the Pancreatic Cancer Action Network, the National Kidney Cancer Association, the National AIDS Treatment Advocacy Project, all of these groups are adamantly opposed to the Sanders amendment.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is not about bringing illegal drugs in. This is about whether we are going to withhold the gold standard of the Food and Drug Administration in the United States of America.

In 1997, this House in a bipartisan way, and as a matter of fact, under suspended rules in a unanimous vote, voted to modernize the Food and Drug Administration. The one vigilant thing that every Member did was to assure that the gold standard, that stamp of approval that we say to the American people passes on from the FDA on manufactured pharmaceuticals, was maintained.

As a matter of fact, when my good friend, the gentleman from California, talked about global trade, one of our objectives with global trade was to harmonize the standards of approval so that we could reach the efficiencies of a global manufacturing base. We have yet today to reach harmonization standards with the EU because we cannot accept the Italian standard for drug approval.

But what this amendment does, it says we are going to defund any, any and all reviews at our borders of reimported or imported drugs. The gentleman from Pennsylvania (Mr. GREENWOOD) just showed the awful conditions where drugs are manufactured, where they look identical, where they are packaged identically. Today the DEA, the FDA, the Customs Department, they are all against this amendment. They are all against reducing the gold standard that we currently find at the FDA.

As a matter of fact, the executive director of the trade program at U.S. Customs had this quote: ''Counterfeit pharmaceuticals enter in both wholesale and retail quantities. Additional problems include expired material,

products that have not been approved by the FDA, products made in facilities under no proper regulation, and products not having the proper instructions for consumers to use.''

Mr. Chairman, we should not do this to the American people. We should maintain the gold standard.

Mr. SANDERS. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY), a cosponsor of this amendment.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Sanders-Crowley-DeLauro-Paul-Rohrabacher amendment. This language offered today is the same language I offered last year in the agriculture appropriations bill. We again offer this amendment as a first start to provoke a discussion and get real reimportation language enacted into law.

This is the only way Democrats and Independents can get heard on this issue. The GOP-controlled House authorizing committees are not doing their jobs. All we have seen to date was a hearing held earlier this month in the Committee on Commerce on the horrors of reimportation, and the arguments of that hearing have hardened my resolve in supporting reimportation legislation.

Why? In part because of the comments from that hearing, such as the opening statement of the chairman, the gentleman from Louisiana (Mr. TAUZIN), where he remarked on June 7 of 2001, ''The problem of counterfeit drugs is not just a phenomenon of the developing world. Our lucrative market and ineffective import controls are increasingly making the United States an attractive target for drug counterfeiters and diverters.

''Last month three counterfeit prescription drugs were found in the shelves of pharmacies of several States. It is not known whether these fake drugs were made in the United States or overseas, but such a cluster of counterfeits has not been seen for years in this country.''

The hearing proved that the FDA is unable to assure the U.S. public that it can prevent unsafe imports from entering this country at this point in time.

Yes, in fact counterfeit drugs are making their way onto the shores and onto the shelves of pharmacies around this country. The legislation that was enacted to stop it, the Prescription Drug Marketing Act enacted in 1987, which included Section 801(d)1 that we are striking funding for today, has not been successful in protecting consumers. It has been tremendously successful in protecting, though, the interests of the drug companies.

We as Democrats have been trying to pass legislation to find a remedy, a legislative remedy to address the spiralling cost of medications. Each time the leaders of the Congress have rebuffed us.

The GOP passed a fake prescription drug bill benefit last year so weak that 178 of their Members later backed my amendment to the agriculture appropriations bill last year making the reimportation a better alternative to lowering the price of prescription drugs than their party's plan.

This year, Congress expressed a collective round of laughter at the drug proposal advanced by the White House, representing one of the greatest feats of bipartisanship in recent memory.

Mr. SANDERS. Mr. Chairman, we have so many speakers who feel strongly about it that I ask unanimous consent that each side have an additional 7½ minutes.

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

Mr. BONILLA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Does the gentleman not have people who want to debate the issue?

Mr. BONILLA. I object.

The CHAIRMAN. Objection is heard.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would yield to no Member of this House in terms of my efforts to lower prescription drug costs for seniors in America. I support the efforts of the gentleman from Vermont (Mr. SANDERS) to allow importation of drugs from outside the United States.

However, this amendment is not the way to do it. If we look specifically at what this amendment does, it stops all funding for FDA in terms of importation. That is what the amendment actually does. That is a scary thing if we start to think about it.

What our subcommittee has done is actually we went essentially to the borders, which is to the airport location where drugs come in. We have also had hearings about drug labs that are taking place right now producing some of these importations.

This is not Novartis in Switzerland, this could be in some back alley somewhere in Mexico where it is not the drug, it is paint that is coming in. This amendment cuts out all FDA funding in terms of literally looking at the substance that would come into the United States of America, and zip, nothing. We could not review that if this amendment actually became law.

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

Mr. DEUTSCH. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman knows this is not what we are doing. This is a place holder for the Senate and the conference committee to do what we did last year in developing a comprehensive bill and doing away with the pricing loopholes.

Mr. DEUTSCH. I support the gentleman's efforts, but again, as a place holder, we do not do place holders, we do real amendments. We do real law.

□ 1230

And, unfortunately, I understand the limitations that the gentleman had in the appropriations process, and that this was a way to raise the issue. It is an important issue, and I am glad it is being raised. But when we vote, we actually vote on real things. Members that support this legislation, in fact, are supporting no funding for the FDA to regulate drugs that come into the United States of America. If any of my colleagues had joined me in looking at the drugs that come in, I am sure they would vote against this amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise to strongly oppose this amendment. However, I agree with the makers of the amendment and what they are trying to do. We all do, indeed, want to see the price of medications come down, especially for our senior citizens. But this is simply the wrong way to do it.

I am very fond of, for example, the President's initiative on a senior citizen's discount card. We should turn over every leaf to try to lower it. But the most expensive drugs there are are drugs that do not work.

Let us be very clear what this amendment would do to drug safety in America. This amendment would allow anyone, individuals and import companies, to import any drug with no FDA inspection for alteration, misbranding, or strength. Any company in the country, in the world, could ship any product in a bottle, label it any way they wanted, be totally fraudulent in their claim, while we sit here and ban the FDA from doing anything about it. If my colleagues liked the Mexican strawberries that poisoned our schoolchildren, then they are going to love the Red Chinese sugar pills labeled amoxicillin that allows the child's strep throat to become heart disease.

When a drug is prescribed, a doctor or dentist has to know with absolute certainty that the drug is precisely what he ordered. This bill will destroy that certainty and undermine the safety of American patients.

Vote ''no,'' then let us work together on a real effort to try to reduce the cost of prescription drugs for our senior citizens.

Ms. KAPTUR. Mr. Chairman, I was just rising to either ask unanimous consent to strike the last word to get some of my own time on this or to plead with the chairman to see if we could not even get a few more minutes on each side. We have more speakers than we had anticipated, and it is an important issue and lives actually hang in the balance on it. I wondered if we might take a few additional minutes on each side.

The CHAIRMAN. Is the gentlewoman making a unanimous consent request?

Ms. KAPTUR. I am.

The CHAIRMAN. What is that request?

Ms. KAPTUR. My request is to strike the last word.

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

Mr. BUYER. I object.

Mr. SANDERS. Mr. Chairman, can I have a point of personal something or other?

On this issue of enormous consequence our friends do not want to add a few more minutes to debate? I think that is really unfortunate.

I want to ask the chairman again, the gentleman from Texas (Mr. BONILLA), who I know is a decent man and I respect his opinion, but we have many people here, so what is wrong with 5 more minutes on either side?

The CHAIRMAN. Is the gentleman making a unanimous consent request?

Mr. SANDERS. I am.

The CHAIRMAN. What is that request?

Mr. SANDERS. That the chairman grant us 5 minutes more so people on both sides can have the opportunity to debate this issue. Five minutes on both sides.

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

Mr. BUYER. I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Mr. Chairman, may I know what the time frame is?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 4½ minutes remaining and the gentleman from Texas (Mr. BONILLA) has 8 minutes remaining.

Mr. SANDERS. I would urge the other side to go ahead.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, why have all of us from the Committee on Commerce come up here to debate this issue and are opposed to it? Because this is exactly what happened. For 2 years we have been working on this project: reimportation. When it leaves this country and comes back into this country, we do not know what it is.

This is one post office, where 721 parcels came back in. We cannot tell what it is, how it got here, how it was made, what it even is made of. This is the yellow powder we speak of. This is boric acid and yellow highway paint. They do it to put on these pills which they put in this blister pack for Poncet. Nothing we can use medically in this country.

This is about drug safety. It is not priced for senior citizens. All of us Democrats, most of us Republicans, would like to see lower drug prices. This is drug safety. For 2 years we have been working on this issue. Do not limit the FDA's ability to do enforcement when these drugs like this highway paint are coming in and being put on pills and we are supposed to take it as a safe drug.

Reject this amendment. If you want to pass meaningful legislation, pass the Allen bill.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I do agree on one thing with the gentleman from Vermont (Mr. SANDERS). This amendment is important. It is important because if it passes, people will die, and that is no exaggeration.

Why would we ever want to permit a system that is one of the best in the world, like the FDA, which ensures that we have drug safety in our Nation, why do we want to open it up so we are not able to have that gold standard that a former colleague talked about? When people see an FDA-approved drug, they know about the efficacy and safety of that particular drug.

The Food and Drug Administration and the Customs Service have testified as recently as June 7th that ''Drugs being imported from outside the United States pose considerable risk to consumers because they may be counterfeit, expired, superpotent, subpotent, simply tainted, or mislabeled.''

American consumers should not have to worry that the drugs they take may be adulterated, just as the gentleman from Michigan (Mr. STUPAK) said, with yellow highway paint, which the FDA has found with imported drugs. Defeat the Sanders amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Chairman, I was going to ask a lot of other questions, however, some of them have been covered here on the floor already.

So, I wish to ask the gentleman from Vermont (Mr. SANDERS), we have been hearing about who is against this amendment, but could the gentleman give me an indication of who is for this? And, also, for the record, this was 363 to 12 the last time we took a vote on this.

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

Mrs. THURMAN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, that is absolutely correct. Some groups supporting it are Public Citizens Network, the National Catholic Social Justice Lobby, the National Educational Association, Communication Workers of America, the Children's Foundation, the Alliance for Retired Americans, the Gray Panthers, and a number of other organizations. And I thank the gentlewoman for asking that question.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, all of us, all of us want to see lower drug prices, and all of us are frustrated by the high price of drugs. It does no good, though, to import these drugs if we cannot be guaranteed of their efficacy.

In my hand I have three packages of Viagra, all of them imported. Two of these packages are counterfeit. All the packages look the same. The holograms on the back are the same and the blister packs holding the pills are exactly the same in all three boxes. I am sure that two of these boxes are cheaper than the third, but I would ask my gentlemen colleagues if they would rather have lower prices, or which two of these boxes would they take?

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Sanders amendment, not because it is the perfect amendment but because I believe it is a step in the right direction.

During all this debate, few people, no one really, has asked why are drugs so much less expensive in other countries. The reason is because other countries do not allow the pharmaceutical companies to gouge their citizens, senior citizens or others.

In Canada, in all the rest of the G–7, there are caps on what the pharmaceutical industry can charge. In those countries the pharmaceutical industry sells lots of drugs, they make profits, and they do just fine. Only in America, only in America do we basically allow them to charge the highest prices in the world to seniors, who can least afford it.

That is why this is a step in the right direction. I do believe we need a prescription drug cap here in the United States so that our seniors are not discriminated against and our seniors no longer pay the highest prices in the world.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman for yielding me this time. Congress does have an obligation to help Americans who cannot afford the prescription drugs that they need, and seniors deserve a voluntary universal prescription drug benefit under Medicare. We can all agree on that. But making it easier to bring counterfeit substandard medicines into the United States is not the way to help seniors get these medications, not the way to help families.

The Sanders amendment is a step backward. The FDA and the Customs Service have a huge challenge keeping counterfeit drugs out of this country. Consumers in New Jersey and California and Kansas can take prescription medicines today with the certain knowledge that they are putting safe, tested, clean medicines into their bodies.

It is not just agencies like the Customs Service that oppose this, it is also patients' groups, like the National Prostate Cancer Coalition, the Cystic Fibrosis Foundation, and the ALS Foundation. They all strongly oppose it. It is simply not the way to provide seniors with affordable prescription drugs. It would undermine confidence that doctors and patients have in their ability to make informed decisions about patient care.

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. ROHRABACHER. During this debate we have had this photo displayed of what has been called a foreign drug lab. Several Members here believe that is a picture of a laboratory in the United States. How would I inquire as to the validity of that evidence that has been presented today?

The CHAIRMAN. The gentleman could ask the Members in control of the debate time to yield to him to give such an explanation.

Mr. ROHRABACHER. So who would I be able to ask that of?

The CHAIRMAN. A Member in control of time for this debate.

Mr. ROHRABACHER. Thank you very much.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Sanders amendment, which will literally endanger the safety of our constituents.

First, there is no doubt that we must and will act to help seniors with the high cost of prescription medicines, but this amendment is not the answer. Secondly, we debated this same issue a year ago. The only thing that has changed is that we now have confirmation from both the former Secretary of Health and Human Services, Donna Shalala, and her successor that this amendment could endanger our constituents.

Anyone who thinks the threat is not real, I would refer them to the recent testimony of the U.S. Customs Service and the recent news reports that counterfeit drugs are already coming into this country that pose a serious health threat to our citizens. This amendment would essentially make that practice legal and allow unscrupulous marketers to invade our markets and endanger our constituents.

Our Nation, with the FDA, has the world's gold standard for ensuring the quality and safety of medicines used by consumers here in the United States and around the globe. Let us not undermine these high standards for consumer safety.

Mr. SANDERS. Mr. Chairman, I would once again ask unanimous consent to ask the chairman now just for 3 minutes on each side of additional time, because we have many speakers who feel strongly about this; and I am sure the gentleman does as well.

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

Mr. LUCAS of Oklahoma. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Ms. KAPTUR. Mr. Chairman, I would inquire of the Chair, I stood up before to ask for additional time as the ranking member of the subcommittee and could not get additional time. I wish to personally speak in favor of the Sanders amendment. Do I understand the procedures here to disallow me, as ranking member, the highest member of my party on this committee, from being allowed to speak on behalf of this amendment? Is there no procedure available to me to use today because of this unrealistic time limitation?

The CHAIRMAN. The gentlewoman can seek unanimous consent. The time is controlled by prior agreement.

Ms. KAPTUR. So could I ask unanimous consent, could I plead with the chairman of our subcommittee, to give us 2 additional minutes on each side to fully debate, not even fully debate, to partially debate an amendment of this consequence that would allow the ranking member to at least offer an opinion in favor of this amendment?

□ 1245

The vote last year was 363 to 12 in favor of the Crowley-Sanders amendment.

Mr. BONILLA. Mr. Chairman, would the Chair repeat the unanimous consent request.

The CHAIRMAN. The unanimous consent request is that each side would have 2 additional minutes for speakers controlled by the gentleman from Vermont (Mr. SANDERS) and the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, reserving my right to object, I do not object if the gentlewoman asks unanimous consent for 2 additional minutes to speak.

The CHAIRMAN. The unanimous consent request is that the gentlewoman from Ohio (Ms. KAPTUR) has 2 additional minutes to speak.

Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

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

Mr. Chairman, I rise in strong support of the Sanders amendment. Again I repeat, last year the vote on this issue passed overwhelmingly 363 to 12 in this House. Indeed the House has spoken. Let no one confuse what the issues are. First of all, drugs are already being brought into this country. People from my district go up to Canada and buy prescription drugs all the time. That is true for people from San Diego going to Tijuana; or New York to Niagra Canada. In fact, most drugs sold here are manufactured in Puerto Rico anyway! They are not even made in the United States, and we require the FDA to inspect those laboratories. So we are not talking about anything different with this amendment. We are talking about expanding an existing system that works and provides the safest drug and food supply in the world.

Mr. Chairman, some of my colleagues came up here and said this amendment poses a threat to consumers. The only threat to consumers is that our seniors and others cannot afford to buy the drugs that they need to keep them alive; that is the threat out there! No industry, no industry in this country should be allowed to keep prescription drugs away from people to save their lives.

Someone else talked about the effect of this amendment reducing the gold standard of drug inpsection. In fact with this amendment, we want to apply the gold standard of inspection more broadly to make more medications available that are approved by the FDA.

Let me say that we even inspect meat plants and license meat plants all around the world when they ship products in here. We can certainly do that more comprehensively for prescription drugs.

Finally, let me end by stating that when we went to conference on this important item last year, we offered four amendments to deal with some of the important regulatory questions that were raised by the FDA. We were defeated on a totally partisan vote each time. I will say to the Republican Party in this institution, they caused this amendment to be unworkable. Give us the right with this amendment to fix the system as we tried last year when we went to conference and our four amendments were defeated.

Mr. Chairman, we want to provide the safest food and drug supply to the people of this country. Allow us to do that. Again, support the Sanders amendment.

Mr. BONILLA. Mr. Chairman, what is the remaining time for each side?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has 3 minutes remaining; and the gentleman from Vermont (Mr. SANDERS) has 3 minutes remaining.

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

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, we have heard a lot from the other side of the aisle about the FDA is the gold standard. It is fool's gold. Guess what? U.S. drugs are manufactured mostly in Puerto Rico with major components imported from China and India with no mandatory testing. None.

This bill would impose mandatory testing, a whole new regime. The EU has been doing this for 25 years. What is the result, counterfeit drugs and people dying? No. The result is drugs are much cheaper in the European Union; and in Britain they are on average 36 percent cheaper, and there has not been a single incidence of all of these chimaeras that are raised.

What really happened was the pharmaceutical industry was caught napping last year. The seniors that I have seen divide their pills in half, against doctor's orders, and I have seen spouses that have to choose, one gets drugs and the other does not. We are doing nothing about that. We are supporting the profits of this industry. If the other side reverses their vote from last year,

they will be held accountable by the tens of millions of Americans who cannot afford their pharmaceutical drugs. This is not about safety, it is about affordability, and it is about lives.

Mr. BONILLA. Mr. Chairman, we only have one remaining speaker, and we reserve the right to close.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The jurisdiction of the Committee of the Whole to enlarge the time prescribed by the Order of the House depends on congruent division of the time. The gentleman from Texas (Mr. BONILLA), therefore, has 2 additional minutes as a consequence of the 2 additional minutes granted to the gentlewoman from Ohio (Ms. KAPTUR).

Mr. SANDERS. Mr. Chairman, I do not object; but my understanding of the unanimous consent that the gentleman from Texas (Mr. BONILLA) gave was to give Ms. KAPTUR 2 minutes.

Mr. Chairman, I ask unanimous consent for 2 additional minutes for both sides.

Mr. LUCAS of Oklahoma. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, this is really an unfortunate circumstance that we are being forced as citizens of our country to have to reimport drugs that are manufactured in our country under our country's supervision in FDA-approved laboratories, but in order to be able to get affordable prescription medicines to our citizens.

Our citizens are paying 33 to 50 percent higher for the same drugs. This is no different from some of our agriculture farmers who recognize the importation of products that are manufactured here but sold overseas cheaper. It is cheaper to bring it in than it is to pay for it at the same level in our own country, and we are being put through this process.

Mr. Chairman, this amendment will allow us to get those safe, FDA-approved, reviewed and supervised prescription drugs to our seniors that need it. Our State needs this relief now.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, it seems to me that the honest opponents of this bill are focusing on the trees and, therefore, cannot see the forest. The forest is that Americans pay exorbitantly high prices for pharmaceuticals. We subsidize the price of pharmaceuticals everywhere else in the world.

If we were running this place properly, we would have an honest debate on a pharmaceutical drug program under Medicare. We are not going to have that. We would have an honest debate about health insurance for all Americans. We are not going to have that.

Mr. Chairman, this is the only vehicle that we are permitted. If Members want to move us closer to honest prices for pharmaceuticals for senior citizens and everyone else in America, vote for this amendment.

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 30 seconds remaining; and the gentleman from Texas (Mr. BONILLA) has 5 minutes remaining.

Mr. SANDERS. Mr. Chairman, is the procedure that the gentleman from Texas has the right to close?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA), as the chairman of the subcommittee, has the right to close.

Mr. SANDERS. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, it is a shame we have not had more time for this debate because our constituents do not have time to survive when they cannot afford prescription drugs because the drug companies are gouging consumers. Everyone in America knows this. It is time that this House takes a stand, as it did a year ago, to make sure that prescription drug prices are kept low. We have the ability to do that with the Sanders amendment, and we ought to vote to make sure that we hold the pharmaceutical companies accountable.

Mr. Chairman, it is time that we did that instead of the pharmaceutical companies reaching in and trying to control votes in this Congress. It is time we took a stand on behalf of senior citizens who are suffering because of the high cost of prescription drugs.

Mr. BONILLA. Mr. Chairman, I yield all remaining time to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

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

Mr. TAUZIN. Mr. Chairman, one of the former speakers complained about the scare tactics that have been used in discussions and debates on this bill. Let me assure Members, they need to be afraid of this amendment.

My mother, my 82-year-old mother, is a three-time cancer survivor and needs to be afraid of this amendment. This amendment effectively repeals an important consumer protection law designed to protect my mother and other consumers from bad drugs.

Mr. Chairman, the FDA was created not to protect pharmaceutical companies, whether they are here in the United States or foreign countries. The FDA was created to protect consumers like myself, my mother and everybody's mother from bad, illegal, counterfeit, dangerous drugs.

If Members do not believe there are people preparing those kinds of drugs and trying to send them to Members' mothers today, be afraid.

Let me read from testimony before the Committee on Energy and Commerce, Subcommittee on Oversight and Investigations hearing. This is about a U.S. Customs effort in Thailand called Operation Chokepoint. What they discovered in this kitchen cooking up drugs for America was 18.5 kilograms of powder steroids and Viagra. The processing took place on the counter of a filthy, vermin-infested kitchen and on the floor of a spare bedroom of the house. The tools and scales were never cleaned, and used for both steroids and Viagra. The British national who was running this operation had just been released from the hospital for hepatitis treatment, was still under medication, was processing and packaging these drugs with the assistance of a Thai female prostitute.

Mr. Chairman, the picture complained about is from Colombia. This is one of the kitchens in Colombia that is cooking up drugs for Members' mothers and mine, and importing them into the United States.

Mr. Chairman, the FDA was created and this important consumer protection law was created to protect our seniors and loved ones from this stuff. This amendment removes that protection.

I want to ask Members, in the interest of cheaper tires, are Members willing to repeal NHTSA, our Highway Safety Commission? Are Members willing to take away the consumer protections we have built around the law that says people cannot sell us tires that will blow up and flip our trucks over? In the interest of cheaper energy, are Members ready to repeal the EPA so anyone can do anything they want in this country to the environment?

Mr. Chairman, in the interest of cheaper toys and sleepwear, are Members ready to repeal the Consumer Products Safety Commission so our kids can have cheaper toys and sleepwear, but they might burn to death at night because sleepwear is flammable and nobody is looking after them?

Mr. Chairman, the FDA was created to protect us, not the companies; to protect my mom and other moms. When we passed this ban on reimportation, we did something very important. We said to our Secretary, unless we can satisfy that the drugs coming into this country are going to be safe, they are not going to kill my mother, they are not coming from these drug kitchens in Colombia and Thailand, unless the Secretary can satisfy us, keep the ban.

Do Members know what the Secretary said in the last administration? ''I cannot tell you that we can satisfy you that without FDA approval these drugs are safe.''

Yes, we all want cheaper drugs for our mothers and fathers; and yes, we are working on bills to do that. The administration is working on a project to provide discount cards to all seniors. Yes, we ought to be concerned about the high cost of those drugs, but are we going to trade drug safety for drug prices? Are we going to put everybody at risk for the sake of a cheaper drug?

I suggest to Members this is the wrong remedy for the problem. We can all agree that is a problem. We can all agree that there is something wrong about the way that drugs are priced in America, and we are working on something in the Subcommittee on Oversight and Investigations. We can all agree that the Medicare system ought to make drugs more affordable; and the copayment is too high when seniors need treatment for cancer therapy.

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But this is a wrong remedy. This lets these operations become legal. It takes away the enforcement arm of the Government designed to protect our seniors from this kind of an operation and says from now on, This is legal, this is okay. You can cook it up in a kitchen in Colombia, and you can cook it up in a kitchen in Thailand, using whatever systems you want, whatever unsanitary conditions you want; and you can ship it into America because we think cheaper drugs are so important, we do not care how unsafe they are.

Mr. Chairman, this Sanders amendment is dangerous. It needs to be defeated.

Mr. GARY MILLER of California. Mr. Chairman, I rise today to speak in opposition to the amendment offered by my colleague from Vermont, Mr. SANDERS.

In 1988, Congress passed legislation that banned the reimportation of prescription drugs because it recognized that there was a significant risk to the American people associated with counterfeit, adulterated or sub-potent medication.

In fact, recognizing the importance of quality prescription drugs, Congress required not only that all domestic distribution centers be licensed, but also that the FDA develop a stringent set of guidelines to regulate domestic prescription drugs.

These guidelines called for detailed record-keeping, including guidelines which outlined very specific temperature and humidity control parameters.

The Sanders Amendment clearly contradicts the reasoning behind these efforts and would instead allow unrestricted reimportation of prescription drugs.

Moreover, the Sanders Amendment would delete the provision which Congress passed last year directing the Secretary of Health and Human Services to demonstrate that any cost-savings derived from reimported drugs be passed to the American consumer.

Last December, then-HHS Secretary Donna Shalala found she could not demonstrate that the reimportation law would not jeopardize patient safety, nor could she demonstrate that savings would be passed on to consumers.

Moreover, Mr. SANDERS' amendment would likely lead to an increase in the flow of counterfeit drugs into the U.S., which is already a growing problem the Government cannot control.

At a June 7, 2001 hearing, Ms. Elizabeth Durant, Executive Director of Trade Programs at the U.S. Customs Service, testified that ''perhaps as much as 90 percent of the pharmaceuticals that enter the U.S. via the mail do so in a manner that violates FDA and/or DEA requirements. . . . To offer an example, one seizure included a 3,000-tab shipment of a counterfeit drug with an expiration date of 1980. . . . We have counterfeit drugs. We have gray-market drugs. We have prohibited drugs and we have unapproved drugs. The whole gamut of illegal substances pass through our mail facility at Dulles. And this is a situation that is pretty much replicated around the country.''

While I am concerned about the rising cost of pharmaceuticals in the U.S., I am more concerned that Mr. SANDERS' amendment would compromise the health and safety of millions of Americans who count on the quality and purity of pharmaceuticals approved by the FDA to treat their illnesses. What we cannot afford to do is knowingly expose American consumers to drugs and pharmaceuticals that may jeopardize their health, and yet that is precisely what the Sanders amendment would do.

Again, I urge my colleagues to put the welfare of Americans first and vote against the Sanders amendment.

Ms. LEE of California. Mr. Chairman, I rise in strong support of the Sanders/Crowley/DeLauro prescription drug reimportation amendment to the Agriculture Appropriations bill. This amendment will lay the groundwork for lowering the cost of prescription drugs in the U.S. by 30–50%.

This amendment will allow prescription drug distributors and pharmacists to purchase FDA-approved prescription drugs from anywhere in the world at competitive and reasonable prices.

It is a shame that millions of Americans are not able to afford the outrageously high cost of prescription drugs in this country. Their quality of life continues to deteriorate while we continue to limit their access to basic health necessities.

Citizens of the United States pay the highest prices in the world for prescription drugs. Many of our constituents will travel to Mexico or Canada to buy the same drugs for a lesser value. In my district in California, the average prices that senior citizens must pay are 97% higher than the prices that Canadian consumers pay and 96% higher than the prices that Mexican consumers pay.

For every $1 spent in the United States for prescription drugs, those same drugs are purchased in Switzerland for .65, the United Kingdom for .64, France for .51, and Italy for .49.

Why should patients have to continually compromise their health while being forced to decide which prescription drugs to buy and which drugs not to take because they cannot afford to pay for all of them. These patients cannot afford to pay such burdensome costs.

These patients are forced to gamble with their health when they cannot afford to pay for the drugs needed to treat their conditions. Every day, these patients have to live with the fear of having to encounter major medial problems because they were denied access to prescription drugs they could not afford to pay out of their pocket. Often times, these individuals must choose between buying food or medicine. With outrageously high energy costs in California right now, some seniors and other Californians have to choose between paying their electric bill or their drug bills. This is wrong!

All Americans should be entitled to medical treatment at affordable prices. The Sanders/Crowley/DeLauro amendment will allow these patients to buy the prescription drugs needed to lead a healthy and productive life.

This amendment will break the monopoly the pharmaceutical industry now has over reimportation.

Let's stop gambling with the lives of our patients and support this reimportation amendment in order to cut these outrageous prescription drug prices. Americans deserve the right to lead healthy lives by purchasing prescription drugs at reasonable and competitive prices.

Mr. PAUL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Vermont. As I am sure I need not remind my colleagues, many Americans are concerned about the high prices of prescription drugs. The high prices of prescription drugs particularly effect low-income senior citizens since many seniors have a greater than-average need for prescription drugs. One of the reasons prescription drug prices are high is because of government policies which give a few powerful companies a monopoly position in the prescription drug market. One of the most egregious of those policies are those restricting the importation of quality pharmaceuticals. If members of Congress are serious about lowering prescription drug prices they should support this amendment.

As a representative of an area near the Texas-Mexican border I often hear from constituents angry that they cannot purchase inexpensive quality pharmaceuticals in their local drug store. Many of these constituents regularly travel to Mexico on their own in order to purchase pharmaceuticals. Mr. Chairman, where does the federal government get the Constitutional or moral right to tell my constituents they cannot have access to the pharmaceuticals of their choice?

Opponents of this amendment have been waging a hysterical campaign to convince members that this amendment will result in consumers purchasing unsafe products. I dispute this claim for several reasons. Unlike the opponents of this amendment I do not believe that consumers will purchase an inferior pharmaceutical simply to save money. Instead, consumers will carefully shop to make sure they are receiving the highest possible quality at the lowest possible price. In fact, the experience of my constituents who are currently traveling to Mexico to purchase prescription drugs shows that consumers are quite capable of ensuring they only purchase safe products without interference from Big Brother.

Furthermore, if the supporters of the status quo were truly concerned about promoting health, instead of protecting the special privileges of powerful companies, they would consider how our current policies endanger safety by artificially raising the cost of prescription drugs. Oftentimes lower income Americans will take less than the proper amount of a prescription medicine in order to save money or forgo other necessities, including food, in order to afford their medications.

Mr. Chairman, I urge my colleagues to show they are serious about lowering the prices of prescription drugs and that they trust the people to know what is in their best interest by voting for the Sanders amendment to the Agricultural Appropriations bill.

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

I rise in strong support of the Sanders/Crowley/DeLauro/Paul/Rohrabacher amendment.

This language offered today is the same as language I offered last year.

We again offer this amendment as a first start to provoke a discussion and get real reimportation legislation enacted into law.

This is the only way Democrats and Independents can get heard on this issue—the GOP controlled House authorizing committees are not doing their jobs.

All we have seen to date was a Commerce Committee hearing held earlier this month on the horrors of reimportation—and the arguments from that hearing have hardened my resolve in supporting reimportation.

Why?

In part because of the comments from that hearing, such as Chairman TAUZIN'S opening statement where he remarked on June 7, 2001:

> The problem of counterfeit drugs is not just a phenomenon of the developing world. Our lucrative market and ineffective import controls are increasingly making the United States an attractive target for drug counterfeiters and diverters. Last month, three counterfeit prescription drugs were found in the shelves of pharmacies of several states. It is not known whether these fake drugs were made in the United States or overseas. But such a cluster of counterfeits has not been seen for years in this country.

Yes, in fact, counterfeit drugs are making it onto our shores and the legislation that was enacted to stop it—the Prescription Drug Marketing Act (PDMA) enacted in 1987, which includes section 801(d)(1) that we are striking funding for today, has not been successful in protecting consumers.

It has been tremendously successful in protecting drug company profits though.

We, as Democrats, have been trying legislative remedy after legislative remedy to address the spiraling costs of medications—and each time the leaders of this Congress have rebuffed us.

The GOP passed a fake prescription drug benefit last Congress—so weak that 178 of their members later backed my amendment to Agricultural Appropriations last year making reimportation a better alternative to lowering drug prices then their Party Plan.

This year, Congress expressed a collective round of laughter at the Drug proposal advanced by this White House—representing one of the greatest feats of bi-partisanship in recent memory.

I recognize the safety concerns advanced by Commerce Chairman TAUZIN and Ranking Member DINGELL are legitimate and I greatly respect their diligence on this issue and their hard working in protecting American consumers—their motives cannot be questioned here.

But the current laws are not working, as we all readily admit.

Something new must be done.

We cannot protect people from medications by not allowing them to have any access to affordable drugs at all—and unfortunately that is more and more the case throughout the U.S.A.

I remember the thoughts of a local pharmacists who told me that American seniors pay the highest drug prices on Earth.

Some Members will oppose this amendment on fair grounds and for valid reasons—but we offer it as a starting point for discussion to get Congress to act and act this year to lower drug prices for Americans—especially our seniors.

Let me put this in perspective, I have a constituent in Long Island City, NY who must purchase 100 capsules of Prilosec every three months for his wife. He pays almost $400 for these drugs.

I have this letter from a gentleman who writes ''Isn't that an outrageous price for a medication my wife will have to take on a regular basis''.

Yes it is, sir.

Especially, in light of the fact that this same drug that costs $400 in Queens New York, would have cost him $107 in Mexico and $184 in Canada.

Price gouging is wrong and needs to be stopped.

Price Gouging medications is illegal in Canada and Mexico, and—surprise—their drug prices are half the cost of what they are in the U.S.—even for the same drugs, with the same FDA-approved label.

This amendment this year will allow for reimportation of FDA-approved drugs and will serve as an important place marker for more comprehensive reimportation language to be included by the Democratically-controlled Senate.

Americans are turning more and more to giant super stores for their consumer needs—because they can get great bargains at places like WalMart—but they have no such large wholesaler to purchase their medications.

Something that is not a luxury but a necessity.

What upsets me most is that the drug companies get away with it—they give super discounts to seniors in every other country in the world, because they know those governments would never allow for price gouging of their elderly.

But knowing full well they can commit gouging in the U.S.—they mark up their products well beyond what any reasonable senior can afford.

This price gouging must stop.

We can no longer, in good conscience, as a nation allow our seniors to ration their medications, or have to choose between paying their rent and purchasing their drugs.

Representative SANDERS and I are offering this reimportation amendment as the first of a three pronged approach to helping America's seniors afford their medications.

Besides reimportation, we argue for the passage of the Prescription Drug Fairness for Seniors Act by Congressman TOM ALLEN of Maine.

And I hope that all of the sponsors of this amendment will join me in this fight—the goals are the same here—lowering drug prices and protecting American seniors.

This legislation would automatically lower the drug prices paid by American seniors by an average of 40% overnight at negligible cost to the Government by mandating that the drug manufacturers sell drugs to seniors at the same price they sell them for in the other six major industrialized nations.

These two approaches lead us to our final and long term goal—that of a prescription drug benefit under Medicare.

We cannot have millions of Americans go without their medications.

We need to pass real reimportation language this year—and begin to lower the skyrocketing costs of drugs for Americans.

Mr. DINGELL. Mr. Chairman, once again I find it necessary to oppose amendments to the Agriculture Appropriations bill designed to gut the protection the Prescription Drug Marketing Act (PDMA) affords all Americans. Once again we find ourselves debating ill-conceived efforts to convince our people, particularly the elderly, that a panacea for high drug prices can be found in re-imports of American manufactured prescription drugs.

Make no mistake—despite the good intentions of their proponents, nothing in these amendments will lower drug prices one dime for consumers. Nothing in these amendments will benefit any consumer, directly or indirectly. Instead, consumers will be put at risk, because drug re-importation would be a welcome mat for crooks and frauds.

Foreign wholesalers were cut out of the drug distribution system in 1987 because of the flood of contaminated, counterfeit, and mislabeled products. These shady characters have taken advantage of the appropriate public outrage over drug prices to encourage America to once again open its borders to these dangerous drugs.

Proponents of the amendments argue that if the drugs are made in America they must be safe. They are wrong. Our Committee's investigation in the middle 1980's showed that American packaging and labeling was duplicated perfectly by counterfeiters entering their product as re-imports. Unfortunately, they had not duplicated the FDA vigilance that Americans believe is attached to such packaging. Counterfeit after counterfeit was imported into the U.S. as ''American Goods Returned'' before the PDMA put an end to it. Ask the women who took the two million counterfeit birth control pills—in packaging that duplicated Searle's—just how good the crooks are at graphic design. The cycles, the boxes they came in, and the instructions that accompanied the pills were knocked off perfectly in Spain and in Guatemala. The Spanish product had so much excess hormone that it caused excessive bleeding. The Guatemalan product contained no active ingredient so it went undetected, except, of course, for the unwanted pregnancies that resulted.

I could go on with many more examples such as the perfectly packaged Naprosyn from Mexico that contained aspirin as the only active ingredient. That must have come as a shock (or worse) to those hypersensitive to aspirin. Even the non-counterfeit products were often so poorly stored that safety was frequently compromised.

Did these counterfeiters and diverters produce any savings to the American consumer? We looked in depth at this $500 million a year market and found no evidence that consumers saved so much as a penny. No compensation was provided to unsuspecting consumers for all the risks they unknowingly assumed.

We should be able to find a way to address effectively the problem of high priced drugs and to protect consumers from risky products. The amendments offered today do neither, and should be rejected.

Mrs. MALONEY of New York. Mr. Chairman, I come to the floor today in support of the Sanders/Crowley/DeLauro amendment.

Prescription drug costs are a life and death issue for thousands of Americans. Making these life saving and health sustaining drugs affordable for our citizens, and especially our seniors, is simply the right thing to do.

Just look at the cost of prescription drugs in my district. Last year, I conducted three different studies in New York City that showed rampant price discrimination against uninsured seniors by pharmaceutical companies. Beyond a shadow of a doubt, New Yorkers are being skewered by inflated drug prices.

For instance, Tamoxifen—which is sold under the brand name Nolvadex—is the most frequently prescribed breast cancer drug in this nation. It is used by thousands of women across this state and across the country to treat early and advanced breast cancer. In fact, in 1998, total sales of Tamoxifen were over $520 million.

Women in my district who need Tamoxifen must pay ten times what seniors in other countries pay. According to the study I conducted, a one month supply of Tamoxifen costs only nine dollars in Canada—yet it costs over one-hundred dollars in my district. That means that, over the course of a year, a woman in my district will pay roughly twelve-hundred dollars more than women in Canada.

That's a price differential of over one-thousand percent. This is a life-saving drug that thousands of women need to survive. Many women in New York are forced to dilute prescriptions they need to fight breast cancer—forced to cut their pills in half or in thirds—in order to get by financially. No doctor recommends this. No person deserves this.

All eight of the drugs I studied cost at least forty percent more in my district than they do abroad. The average price differential with Canada was 112 percent, and with Mexico it was 108 percent.

Prilosec, an ulcer medication and the U.S.'s top prescription drug in dollar sales in 1998, cost $49.80 for a one month supply in Canada, but cost $121.83 for a one month supply in my Congressional District, that's a 145% price differential.

Prescription drugs costs are too high for America's families and are now the largest out-of-pocket health care expense for America's seniors.

Congress recognized this crisis last year when both the House and Senate passed a drug reimportation bill by wide margins.

Once passed, however, significant flaws were detected in the details of the bill that jeopardized our ability to ensure lower prices and safe products for U.S. consumers through the new policy.

The bill before us today tries to get us back on track by more explicitly preserving the Food and Drug Administration's authority to ensure the safety and efficacy of a system to reimport prescription drugs.

I urge passage of this reimportation amendment which would allow U.S. pharmacists and prescription drug distributors to purchase and sell locally FDA-approved medicines purchased from abroad. This measure should lower the price of prescription drugs, perhaps as much as 50%.

I strongly support adoption of the Sanders/Crowley/DeLauro amendment.

Mr. BLUMENAUER. Mr. Chairman, today the House of Representatives is faced with an amendment, offered by Representative SANDERS of Vermont, which attempts to address the problem of high drug prices in the United States. Seniors in the United States pay the highest prices in the industrialized world for prescription medicines and are often the victims of discriminatory pricing. This amendment, however, seriously undermines the current system that protects U.S. consumers from reimporting potentially tainted drugs from abroad and this is why I play to vote against this measure. We will likely consider additional amendments to the Agriculture Appropriations bill today that attempt to accomplish similar goals, but unless they address the need for strong consumer protections, I also plan to vote against these amendments.

Prescription drugs are an increasingly vital part of health care and are the fastest growing component of health care expenditures. Spending on prescription drugs is expected to continue to rise. Seniors, who comprise only 13% of the total population, account for more than a third of the annual expenditure on prescription drugs. The average senior uses 18 prescriptions a year and these vital prescriptions are absolutely essential to their quality of life. The rising costs of pharmaceuticals, combined with the increasing reliance on drugs for medical treatments, have created a serious threat to the financial security of a particularly vulnerable population, seniors who are on fixed incomes.

We must provide relief to seniors in the United States. My concern though is that this amendment would eliminate our ability to ensure the integrity of drug products and could put American consumers, especially our seniors, in serious jeopardy. Counterfeit medicines have already infiltrated the U.S. market and we must make sure that any reimportation proposal addresses consumer safety and the need for thorough drug inspections. It does seniors no good to allow the importation of less costly prescription drugs if we cannot also ensure their safety and efficacy.

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

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

Mr. BONILLA. 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 Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 16 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. 16 offered by Mr. LUCAS of Oklahoma:

Insert before the short title the following new section:

SEC. ____. The amounts otherwise provided by this Act are revised by increasing the total amount provided in title II under the heading ''WATERSHED AND FLOOD PREVENTION OPERATIONS'' (to be used to carry out section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), as added by section 313 of Public Law 106–472 (114 Stat. 2077)), and none of the funds made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who carry out the programs authorized by section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524) in excess of a total of $3,600,000 for all such programs for fiscal year 2002, by $5,400,000.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, 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.

The amendment that I am offering today will provide $3 million to be used for the rehabilitation of aging watershed dams. Public Law 106–472 authorizes USDA to assist local communities with rehabilitation of their aging flood-control dams constructed with USDA assistance. The authorizing legislation, which I authored, received widespread bipartisan support in both the Committee on Agriculture and on the House floor.

Since the authorizing legislation was signed into law, NRCS has been flooded with requests from communities for assistance on rehabilitation for their aging dams. As of March of this year, 434 communities have requested rehabilitation assistance on more than 1,400 dams in 35 States. The cost to rehabilitate these dams is estimated to be in excess of $500 million.

In fact, nearly 10,500 small watershed dams have been built in the United States since 1944. Many of these dams, which were built and designed with a 50-year life span, will reach their life expectancy over the next few years.

These watershed projects are extremely important to our communities. They provide flood control, municipal water supply, recreation, soil erosion control, water quality improvement, wetland development, and wildlife habitat enhancement on more than 130 million acres in this Nation. These dams benefit thousands of people's lives every day.

In fact, the small watershed program has proven to be one of our Nation's most successful public-private partnerships. The program represents an $8.5 billion Federal investment and an estimated $6 billion local investment in the infrastructure of this Nation. These completed small watershed projects have provided $2.20 in benefits for every $1 of cost. Very few Government projects can make that claim.

We must continue to build on this program that our predecessors started 50 years ago. I hope that my colleagues will support this very important amendment to begin the process of rehabilitating these dams before we have a tragic dam failure.

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

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to claim the time in opposition notwithstanding my support of the amendment.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I rise in strong support of the amendment offered by my friend the gentleman from Oklahoma. I want to commend him for the work that he and his staff have put into the amendment. This amendment makes additional funds available to the Watershed and Flood Prevention Operations account specifically for the small watershed rehabilitation program that passed this House last year. This is a good amendment, and I urge all Members to support the amendment.

In fact, I think the amendment is so good that I have not heard one word of opposition from anyone on this amendment.

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

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

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

The amendment was agreed to.

AMENDMENTS NO. 17 AND 18 OFFERED BY MRS. MINK OF HAWAII

Mrs. MINK of Hawaii. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendment No. 17 offered by Mrs. MINK of Hawaii:

Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $950,000, the same amount as was provided for fiscal year 2001, for the Hawaii Agriculture Research Center to maintain competitiveness and support the expansion of new crops and products.

Amendment No. 18 offered by Mrs. MINK of Hawaii:

Insert before the short title at the end the following new section:

SEC. ____. Of the amount for the Department of Agriculture provided under the heading ''AGRICULTURAL RESEARCH SERVICE''–''SALARIES AND EXPENSES'' in title I, the Secretary of Agriculture shall provide $1,603,000, the same amount as was provided for fiscal year 2001, for tropical aquaculture research for the Oceanic Institute of Hawaii for continuation of the comprehensive research program focused on feeds, nutrition, and global competitiveness of the United States aquaculture industry.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Hawaii (Mrs. MINK) and a Member opposed each will control 5 minutes.

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

The CHAIRMAN. The gentleman from Texas reserves a point of order.

The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume.

Both of these amendments go to the Agricultural Research Service. One has to do with the earmarking of $950,000 for the Hawaii Agricultural Research Center. The other is an earmark of $1,603,000 for the Oceanic Institute. Both of these programs are long existing and have been funded at this level in the past fiscal year. Both of these programs, the Oceanic Institute and the Hawaii Agricultural Research Center, are included in the President's budget.

I think that the importance of these two amendments is to recognize and to herald the tremendous contributions that these two centers have made, not only to Hawaii as a single State but to the entire United States and perhaps even globally with reference to the Oceanic Institute research.

The Hawaii Agricultural Research Center provides vital services to Hawaii's farmers, and particularly now with the loss of our sugar industry with only two plantations remaining, the existence of this center and its support is even more vital as the State struggles to find additional crops to grow on the vast acreages that are being fallowed as a result of the closure of the agricultural industry. We do have tremendous potential in coffee, tropical fruits, vegetables, macadamia nuts, and many other industries.

In respect to the Oceanic Institute, this program assists the expansion of aquaculture and feed manufacturing sectors and to develop new products, processes and markets for U.S. grains. The Oceanic Institute in Hawaii manages the program and is a world leader in feeds and nutrition technology with extensive experience in a variety of marine finfish.

Some of the program's research highlights in the past year have included the development of new feed formulations that enabled the production of market-size shrimp in only 8 weeks. The program has recently assumed a critical role in the development of a new technology package that offers the United States substantial worldwide competitive advantage in the domestic farming of marine shrimp.

It is because of the importance of both of these research centers that I rise today to ask this House to include specific designation of these two programs in allocation of funding for the overall Agricultural Research Service.

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

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

Mr. BONILLA. Mr. Chairman, it is my understanding that the gentlewoman is going to withdraw her amendments, but we are willing to work with the gentlewoman as we move toward conference on this issue. I know it is a very important issue to her.

Mrs. MINK of Hawaii. I thank the gentleman from Texas. It is very important that report language include these two projects. I am heartened to hear that the gentleman will work towards this effort when the matter goes to conference.

With that assurance, Mr. Chairman, I withdraw both my amendments.

The CHAIRMAN. Without objection, the two amendments are withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. 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. GUTKNECHT:

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

SEC. 7____. None of the amounts made available in this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual who is not in the business of importing prescription drugs within the meaning of section 801(g) of such Act from importing a prescription drug that (1) appears to be FDA-approved; (2) does not appear to be a narcotic drug; and (3) appears to be manufactured, prepared, propagated, compounded, or processed in an establishment registered pursuant to section 510 of such Act.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. BONILLA) each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. Chairman, this debate is going to be very similar to the debate we had just a few minutes ago concerning the price of prescription drugs. I supported the Sanders amendment even though it was a bit broader than the amendment that I offer. I hope Members will take a few minutes to at least read the amendment that I am offering. Essentially what I am saying is, let us not stop law-abiding citizens from importing drugs from G–8 countries for personal use. The issue again is price. If Members do nothing else, please pay attention to this chart. Because at the end of the day, sooner or later we are all going to have to try at least to explain this, and there is no explanation.

Americans, it is a fact, it is a dirty little secret in three different ways, we are paying all the research cost for all the other countries in the world, and we are doing it in three ways: first of all in the prices that we pay for prescription drugs, as Members can see, anywhere from 30 to 70 to 80 percent more than other countries in Europe; secondly, we are paying for the research in the money that we put into the NIH and some of the other science programs here in the United States. It amounts to almost $14 billion a year

that the taxpayers are subsidizing research; and, finally, we subsidize the research through the Tax Code. When the pharmaceutical industry says, well, we are spending billions of dollars on research, that is true. The last year that we have numbers for, they spent about $12 billion on research. But do understand they pay hefty taxes, and as a result they can write off all of that research and in some cases they even qualify for research and development tax credits. So the real net cost to the pharmaceutical industry is far lower than most people say.

What we are saying in this amendment is the game has to stop. We have been subsidizing Europe for a long time. It is time for us to stop subsidizing the starving Swiss.

My amendment is very simple. It simply says that an individual who is not in the business of reimporting drugs shall have the right to bring those drugs in either on their person or by mail from any of the G–8 countries. This does not even include Mexico.

We heard this big safety issue. We are going to talk a little bit about that. The truth of the matter is most of the safety issues that were talked about in the previous amendment exist today. We are not changing anything. We are not going to legalize illegal drugs. We are not going to tell people that they can bring in adulterated drugs. We are talking about law-abiding citizens that have a legal prescription that are bringing in FDA-approved drugs made in FDA-approved facilities.

We have a problem right now, as I mentioned earlier, in terms of contamination on all of the food and produce we bring in. Yet we do not hear this ballyhoo because there is not a company out there, there is not an industry out there like the pharmaceutical industry that stands to make billions of dollars.

Make no mistake, at the end of this debate, this is about money. I believe my simple little amendment that simply opens the door for personal importation could at the end of the day save American consumers upwards of $30 billion. Now, if Members wonder why individuals and groups have been spending millions of dollars over the last couple of weeks, it is about money.

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

Mr. Chairman, once again we have an effort here to solve one problem by creating another, and in fact it could create a series of additional problems. Let me just mention once again a few of the facts that have been stated clearly by the Food and Drug Administration. This presents a clear danger, a potential danger, a serious threat to consumers who could use drugs that are dangerous, that have not been stored under proper conditions, have not been manufactured properly, do not conform to the standards of drug manufacturing in our country. This is simply something that, as we have just heard in the debate in the last half-hour or so, would not be in the best interest of consumers.

We are all in agreement here on both sides of the political aisle that we want to do something about the high cost of drugs in this country, but we want to do it the right way and not add language on an appropriations bill that is not supported by anyone who has been working on this issue in a very serious and sincere way on the authorizing committee for many months now.

I rise in strong opposition to this amendment and would urge its defeat.

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

□ 1315

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

Mr. Chairman, I would just bring to the attention of the body that last year a much broader amendment than the one that I am offering, that would have had blanket reimportation, passed this House by a vote of 363-to-12. So we are talking about a very targeted amendment to essentially reinforce what the Congress said last year on a bill that passed the House overwhelmingly, passed the Senate overwhelmingly, and was signed by the President. So we are not opening new ground.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for once again bringing up a good, commonsense amendment to help seniors throughout this country, seniors in my district. My district in Florida, the median age is 47. My district has more Medicare recipients than any other district in the Nation, save one.

The seniors in my district worked hard their entire life and do not expect a free lunch from government. However, what I do hear from my seniors is the frustration about the disparity of prices here in the United States and overseas. I have hardworking and informed seniors who recognize that their heart medicine is 60 percent cheaper in Canada than in Florida. They do not know, and I cannot explain, why United States seniors, in the age of free trade and NAFTA, cannot take advantage of lower prices for products in another country.

Mr. Chairman, I am a free trader. I believe bringing the elements of free trade will solve many issues in America, whether it is the outrageous costs to consumers of the anti-free trade sugar program or whether it is a difference for seniors in drug prices across our border. Americans are free to buy pork chops, fruit, and other food from across the border. Why can we not do the same with FDA-approved drugs?

The amendment of the gentleman from Minnesota (Mr. GUTKNECHT) is carefully drafted to concentrate on personal use of FDA-approved products made in FDA-approved facilities. It allows Americans to have greater access to cheaper drugs. It is a commonsense measure that deserves everyone's support.

I fully recognize that this amendment alone will not solve the problem of high drug prices, and I oppose price controls on prescription drugs or other products. I have no interest in bashing the pharmaceutical industry because I recognize how important they are, especially for the future production of new drugs. However, I believe that this bill will introduce an additional source of needed supply to help lower prices. It is something that should be a starting point to allow the free market to work to the benefit of all seniors, and I urge a yes vote.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, it is with great respect that I rise in opposition to the amendment of my good friend, the gentleman from Minnesota (Mr. GUTKNECHT). I did support this last year. But since that time, as a Member of the Committee on Commerce, we have held numerous hearings on the safety of drugs and the possibility of reimporting these drugs; and I have seen very direct evidence that has caused my concern to change enough to oppose that amendment this year.

We have seen films of laboratories overseas that produce counterfeit drugs. We know that drugs are tampered with overseas. The effectiveness of it is sometimes wasted because of age. The FDA has no way to protect our American citizens from this type of action; and my concern is when it is all said and done, when somebody is actually hurt because of this or someone actually dies because the medicine is paint and not really medicine, what are we going to do about it? What is that consumer going to do? Who is that consumer going to seek redress from?

Surely they cannot expect the real drug company to stand up and stand behind their product. How are they going to get to Europe and who are they going to sue there? How are they going to find these people to be adequately and fairly compensated for these injuries and deaths that are surely going to come into this?

Because of this, I do have concern, even though as I said before I voted for this last year, and I would urge my colleagues to oppose this amendment this year.

Mr. GUTKNECHT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in support of the Gutknecht amendment. Let me say as one of the Members of the subcommittee who tried to shepherd through last year's reimportation bill, I find it incredulous that every single person who has spoken today against the Sanders amendment or the Gutknecht amendment voted for both of them last time.

Now, of course, there was not a recorded vote on the amendment of the

gentleman from Minnesota (Mr. GUTKNECHT) but there was the amendment of the gentleman from Vermont (Mr. SANDERS), or rather the amendment of the gentleman from New York (Mr. CROWLEY) which was identical to the amendment of the gentleman from Vermont (Mr. SANDERS), and every person who was in favor of it is opposed at this time and that is interesting, because I understand PHRMA, the trade association for the pharmaceutical companies, has spent millions of dollars this week advertising against this.

Needless to say, this is a very critical issue. I have constituents who have to go to Canada to get drugs for their children, one of whom has a very severe form of epilepsy. This woman is a single mom and not able to afford to buy this drug in the United States because in Canada, of course, it is only a third of what it costs here in the United States.

The Gutknecht amendment simply allows the reimportation of American-manufactured drugs, in approved, safe FDA facilities, to be brought back here without punishment. I think that it is very important in a nonelection year to be in favor of lower prescription drug costs.

I might also add that safety really is not an issue with regard to the Gutknecht amendment. And it preserves all of the FDA's legal duty to approve all imports. And under the current law, FDA's mandate is to stop drugs that appear to be unapproved; and nothing in the Gutknecht amendment changes that. So I would certainly urge all of those people who supported this and other bills last year to vote for it again this year.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN), the author of the Hatch-Waxman Act.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the Gutknecht amendment. I am opposed to it because the amendment is so vaguely drafted it can be interpreted as either ineffective or dangerous, but under no reading is it worth doing. I strongly agree with all of those who have argued that pharmaceutical prices are too high, and that drug companies discriminate against U.S. citizens in their pricing policies. I would urge the Committee on Commerce to take up legislation to right this wrong, but the Gutknecht amendment does not fix the problem.

My reading of the amendment is that a drug must be FDA approved to be allowed to be imported under this amendment. Since under the law a drug cannot be FDA approved unless it is accompanied by appropriate labeling and since virtually no foreign drug will have this labeling, I believe that few, if any, drugs will be allowed to be imported under this amendment.

There is a different reading of the amendment that it would allow importation if the basic chemical substance has been approved by the FDA. If this is the case, the amendment is dangerous because it would allow drugs to be brought in without allowing FDA to ensure that they are not adulterated not misbranded and are indeed the right dosages and strengths. Moreover, all the consumer labeling that we have worked so hard to assure will be missing.

Under this reading, once FDA approves a drug in theory it may not ensure that it is safe and effective in practice. So that is the choice. Is the amendment ineffective or bad? Either way, I oppose it and urge all of my colleagues to join me in asking that the House investigate the high cost of prescription drugs and the price discrimination that is practiced against Americans.

This amendment, while many see good in it, I see no redeeming value in it because it will either be ineffective or dangerous, and I urge opposition to it.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, on this amendment, with all due respect to the author of the amendment, it is a poorly drafted amendment. What it says is the FDA has to approve drugs if they appear to be FDA-approved drugs and do not appear to be a controlled substance and appears to be manufactured or processed in an establishment registered pursuant to section 501.

Well, look at these drugs we found in our investigation. Again, energy and commerce has done this investigation. This is Hong Kong, 1999, here is the counterfeit. Here is the genuine. It appears to be the same, even though they are not. Here is one from 1986, Great Britain. This is Zantac. Again, there is a counterfeit; and there is a genuine. Everything appears to be the same all the way down to the blister pack, all the writing, everything on here.

The Gutknecht amendment says this ''all appears.'' I do not think we want ''to appear'' with the health and safety of our people. Where is the safety net for our senior citizens underneath this amendment? We cannot allow reimportation if it ''appears'' okay.

The FDA, the Customs do not have the resources to open up every one of these and make sure it is the real thing. We have had example after example given here under the Sanders amendment and now the Gutknecht amendment. Do not allow this amendment to go through because it appears that the senior citizen is going to be helped out, or the single mother, or whoever it may be. They cannot be distinguished.

To run the tests are $6,000 to $8,000 per test to determine if it is the genuine thing. There are letters in the offices of my colleagues from the U.S. Department of Justice. There are letters in the offices of my colleagues from the FDA asking us not to approve the Gutknecht amendment, not to approve the Sanders amendment; and I would submit both of these letters for the RECORD as they are both the FDA and the Department of Justice Drug Enforcement Administration opposition to these amendments.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, July 11, 2001.

Hon. W.J. TAUZIN, *Chairman,*
Hon. JOHN D. DINGELL, *Ranking Member,*
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER DINGELL: Thank you for asking the Drug Enforcement Administration (DEA) to comment on two certain proposed amendments to H.R. 2330. In furtherance of the efforts of the Energy and Commerce Committee, the DEA is pleased to address the importation of drugs in the United States and submits the following comments on the proposed amendments. These proposed amendments would prohibit the Food and Drug Administration (FDA) from using any of its funds received under the Agriculture Appropriations Act to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act (FDCA) that pertain to the importation of prescription drugs. We oppose both of these proposed amendments because they would hinder the ability of federal law enforcement officials to ensure that drugs are imported into the United States in compliance with long-standing federal laws designed to protect the public health and safety.

One of the proposed amendments would prohibit the FDA from using any of its appropriated funds to prevent a person ''who is not in the business of importing prescription drugs'' from importing from certain specified countries ''FDA-approved'' prescription drugs that are not controlled substances. This proposal would be in conflict with the Controlled Substances Act (CSA), which is DEA's governing statute. The basic foundation of the CSA is the ''closed'' system of distribution of controlled substances, under which all persons in the legitimate distribution chain (manufacturers, wholesalers, and retailers) must be registered with DEA and maintain strict accounting for all transactions. This regulatory scheme, administered by DEA, is designed to prevent diversion of controlled substances into illicit channels. However, DEA can maintain no control over the distribution chain and prevent diversion where American consumers purchase their drugs abroad. Somewhat similarly, the law that the FDA administers (the FDCA), cannot be effectuated where American consumers purchase their drugs abroad. Among the ways that the FDCA protects the American public is by requiring good manufacturing practices, proper labeling, and safe handling to prevent adulteration. There is no way to ensure such protections to American consumers if they are allowed to purchase drugs from foreign sellers without FDA oversight.

We recognize that the proposed amendment states that it does not apply to controlled substances. However, despite this wording, the proposed amendment would provide a potential loophole that could be exploited by traffickers in controlled substances. Every day, prescription drugs, including controlled substances, are illegally shipped into the United States by mail or private carrier. Those who ship controlled substances in this fashion do not label their packages as containing controlled substances. Under the proposed amendment, drug traffickers could send shipments of controlled substances into the United States marked ''FDA-approved noncontrolled substance'' and the FDA would be powerless to

take any investigative steps or to assist the United States Customs Service (USCS) or DEA in intercepting these illegal shipments.

An additional concern with the proposal is the use of the phrase ''an individual who is not in the business of importing prescription drugs.'' This terminology is vague, impractical, and inconsistent with that use historically in American drug laws. The FDCA and the CSA have always used the concept of ''registration.'' Under the FDCA, only those manufacturers registered with the FDA may import prescription drugs. Under the CSA, persons must be registered with DEA to import controlled substances.[1] Moreover, it would be an undue burden on law enforcement (and a benefit to traffickers) to require the government to prove that someone is ''in the business of importing prescription drugs'' before even commencing an investigation. Many unscrupulous persons would simply claim they are ''not in the business of importing prescription drugs'' in order to stifle investigation of potential criminal activity.

[1]The CSA makes an allowance for individuals to import and export small amounts of controlled substances that are medically necessary while traveling to and from the United States—but only for the legitimate personal medical use of the traveler and in strict compliance with DEA regulations; not by mail or private carrier. 21 USC 956(a); 21 CFR 1301.26.

As with the proposed amendment described above, another proposal would likely be exploited by drug traffickers. This proposal would prevent the FDA from enforcing section 801(d)(1) of the FDCA (21 USC 381(d)(1)), which prohibits the reimportation into the United States of prescription drugs, except by the manufacturer of the drug. Under this proposal, a drug trafficker could stymie legitimate efforts by the FDA to assist in preventing illegal drug shipments into the United States simply by attaching a deceptive label to the shipment (e.g., by labeling a shipment of controlled substances as containing ''FDA-approved, reimported prescription drugs'').

DEA, FDA and the USCS are currently facing enforcement challenges on many fronts with respect to prescription drug importation and smuggling. Information obtained from the USCS indicates that there is an increased volume of prescription drugs being imported through the mail as a result of the Internet. Although the CSA clearly prohibits importation of controlled substances in this manner, the FDA and USCS must inspect each package to ascertain the contents. Identifying a drug by its appearance and labeling is not an easy task. From a practical standpoint, inspectors cannot examine drug products and accurately determine the identity of such drugs or the degree of risk they pose to the individual who will use them. This is particularly true since these drugs are often intentionally mislabeled. Shipments from countries identified in the section 804(f) of the FDCA have been the source of a large amount of controlled substances that have been illegally imported. Additionally, the USCS inspectors on the southern and northern borders must determine whether each traveler entering the United States with a drug is complying with the FDCA and the CSA. By preventing the FDA from enforcing certain provisions of the FDCA regarding the importation of drugs, these amendments could be a windfall for criminals, giving them a new way to hide their activities behind a new restriction on law enforcement.

For these reasons, we respectfully oppose the foregoing amendments to H.R. 2330. Thank you for your attention to this mater. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

WILLIAM B. SIMPKINS,
Acting Administrator.

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION,

Rockville, MD, July 10, 2001.

Hon. W.J. ''BILLY'' TAUZIN,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.
Hon. JOHN DINGELL,
Ranking Minority Member, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND MR. DINGELL: Thank you for your continued interest in the safety of medicines available in the United States. This is in response to your letter of July 5, 2001, regarding Representative Gil Gutknecht's proposed amendment to the FY 2002 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation bill, and in follow-up to questions raised by Committee staff.

As you know, the amendment offered by Mr. Gutknecht would prohibit the Food and Drug Administration (FDA or the Agency) from using appropriated funds to enforce section 801 of the Federal Food, Drug, Cosmetic (FD&C) Act to prevent an individual from importing for personal use a non-controlled substance, prescription drug that is approved by FDA and offered for import from a country referred to in section 804(f) of the FD&C Act.

Your questions are restated, followed by the Agency's response.

1. Section 801 of the FFDCA requires the FDA to take certain actions when the drug presented for import ''appears from the examination of such samples'' to be manufactured in insanitary conditions or adulterated or misbranded, among other things. The Gutknecht Amendment, however, requires the FDA to make a determination about whether ''a prescription drug [has been] approved by such Administration'' when presented for import. Isn't it true under present law FDA is not required to determine whether or not a drug is approved prior to import, and that the Gutknecht Amendment imposes a higher standard on the Agency? If so, what mechanisms would FDA have to implement to determine whether a drug is FDA-approved when presented for importation?

Yes, the Gutknecht Amendment does create new substantial duties for the Agency:

1. It requires FDA to first determine whether or not an imported drug is approved before the Agency can take action against the drug; and,

2. It dramatically increases the burden of proof the Agency must meet in deciding whether to refuse the importation for personal use.

Prescription drugs imported for personal use are rarely, if ever, accompanied by data from the manufacturer that is sufficient to establish—with certainty—whether the drug was in fact produced at a facility holding a valid FDA approval under the conditions and labeling requirements specified in that approval. An Agency official may be able to visually identify the drug and determine whether the drug ''appears'' to be approved under current law. However, meeting the standard of certainty required by the amendment—that is, determining whether the drug is, or is not, approved—would require the Agency to compile evidence and make judgments and determinations far beyond that required under current law.

To compile such evidence, FDA could perform laboratory analyses on random samples from each shipment, a process that is time-consuming, resource-intensive, and expensive. Depending on the nature of the drug and the dosage form, we estimate a single test can cost between $6,000 and $15,000. This would, at best, serve to determine whether the drug is the drug identified in its labeling and is composed of the FDA-approved formulation. However, first, FDA would have to develop such testing methodologies, and substantially increase Agency laboratory capability to handle the anticipated influx of products needing to be validated. FDA would also have to determine if that drug is made in a facility registered with FDA.

Another potential method to determine identify is to try to trace the product back to the manufacturer. However, FDA lacks oversight of foreign wholesalers and pharmacists. A trace back may be feasible if the imported product is labeled with a lot number, which can be traced back to the manufacturer, although, without laboratory testing, it is possible that the drug and its labeling are counterfeits. However, small shipments of medications for personal use usually do not provide the lot number and may be composed of medications from multiple lots.

If enacted, the Gutknecht amendment would, in many instances, make it virtually impossible for FDA to stop the personal importation of adulterated or misbrande3d drugs from the identified countries that pose public health risks because of the insurmountable burden on the Agency to first demonstrate that these drugs are not approved products.

2. The Gutknecht Amendment would also require the FDA to determine from what country a prescription drug is being imported. Does the FDA presently have the duty to make such a determination?

No, currently FDA does not have the responsibility to determine the country from which a product is being imported. This would be a new duty for FDA. In addition, the amendment could be construed to allow the importation of approved drugs stored or handled in countries not listed in section 804(f) of the FD&C Act as long as the final country from which the drugs are shipped is listed in 804(f). For example, FDA and the U.S. Customs Service conducted a pilot study earlier this year at the Carson international mail facility in California. FDA identified a large volume of imported drugs originating in Vanuatu, a country not listed in 804(f), but transshipped through New Zealand, a country that is listed in 804(f). Many countries, even some of those listed in 804(f), lack adequate controls on transshipment. This amendment would seriously impair FDA's ability to ensure that such drugs are not subpotent, counterfeit, contaminated, or otherwise a threat to public health and safety.

3. Section 801(g)(1)(A)(i) prohibits the FDA from sending ''warning letters'' to individuals who are not in the business of importing prescription drugs, unless the Secretary makes a determination that ''importation is in violation of section 801(a) because the drug is or appears to be adulterated, misbranded, or in violation of section 595[.]'' The Gutknecht Amendment would allow individuals not in the business of importing prescription drugs to import prescription drugs if the drugs are FDA-approved. If the Gutknecht provision were to pass, the FDA's inquiry would be whether the drug is approved, not whether it is misbranded or adulterated. Could the FDA still send warning letters to individuals not in the business of importing prescription drugs if the prescription drugs appeared to be adulterated and/or misbranded?

If the drug is FDA-approved and imported from a country referred to in 804(f) of the

FD&C Act, under this amendment, FDA could not issue such a notice as the first step in preventing the importation even if the product is adulterated or misbranded. Only if FDA first determines that the drug is either not approved or is approved but not imported from a country referred to in section 804(f) and, is adulterated or misbranded, may FDA send such a notice to the importing individual if he or she is not in the business of importing prescription drugs.

As you know, under current law, FDA can send a warning notice if it first makes a determination that the imported drug appears to be adulterated, misbranded, or it is not approved by FDA, or is in violation of other provisions of section 801. Under the amendment, FDA must determine if the drug is or is not FDA-approved and from what country the drug is imported, even if, it also determines that the product is adulterated or misbranded.

Thank you again for your interest in this issue. Please let us know if you have further questions.

Sincerely,

WILLIAM K. HUBBARD,
Senior Associate Commissioner for Policy, Planning, and Legislation.

Let us not be fooled by the real thing. Let us make sure it is the real thing and not a counterfeit. Reject this amendment.

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

Mr. Chairman, in terms of those pictures, I just want to point out that those happened years ago and are not happening now. Most importantly, I believe I am correct, those drugs were actually purchased on shelves in the United States. These are not drugs being brought in by Americans going to other places.

Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Minnesota (Mr. GUTKNECHT) for yielding me the time.

Mr. Chairman, whether the idea comes from a Republican or an Independent or a Democrat, who is trying to lower the outrageously high cost of prescription drugs in this country, there goes the pharmaceutical industry again, which has spent $200 million in the last 3 years to make sure that women in this country who have breast cancer have to pay ten times more for Tamoxifen than they do in Canada. The gentleman from Minnesota (Mr. GUTKNECHT) has a good idea. It will save substantial sums of money for millions of Americans.

I should point out, by the way, that the concept of reimportation that we are talking about today has been in existence for 25 years in Europe; and I do not know of one problem that has existed there. Let us stand up today to the pharmaceutical industry. Let us support this amendment. Let us support my amendment. Let us represent the people back home rather than the big money interests who would defeat both of these amendments.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, let me just say that the women of this country who have breast cancer desperately want Tamoxifen but they do not want counterfeit Tamoxifen, and that is the problem with some of these amendments. There are a number of problems with this amendment, and that is why I rise in opposition to it.

First of all, the terms of this amendment are vague; and it is not even clear how it is intended to function. For example, the amendment only applies to an individual who is not in the business of importing prescription drugs. Who is this person, and what business is this person in?

The key question is: Why does one want to give a person not in the drug-import business free rein to import drugs?

Secondly, the amendment makes a number of references to the requirement that these incoming drugs appear to not violate certain FDA rules and are not controlled substances. The problem with this approach is one cannot tell whether or not they are, in fact, safe drugs. On the Committee on Energy and Commerce, we saw some drugs that looked perfectly fine and they were made out of yellow paint. So one cannot tell upon inspection whether or not they are a controlled substance or whether or not they are legitimate.

Third and most importantly, this amendment directly affects section 801 of the Food, Drug and Cosmetic Act. This section is the safety section which provides the U.S. Customs Service and FDA the ability to process and examine foreign shipments of drugs to prevent potentially tainted, adulterated, or counterfeit drugs from being delivered to unsuspecting customers.

□ 1330

Defunding, or doing anything to undermine this section, will obviously lead to serious problems.

I would suggest, Mr. Chairman, if this amendment passes, this will not do anything to help legitimate cheaper drugs coming into this country, and instead what we should probably do is hammer signs into the ground at the borders announcing, welcome to the U.S., drug counterfeiters and criminals. You are welcome here in the land of opportunity.

Mr. GUTKNECHT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I stand in support of the Gutknecht amendment, and I think there are two reasons we should focus on this. Number one is cost, and number two is safety.

I have to ask Members, 435 Members, how many have heard the story from a senior citizen about someone in El Paso, Texas, or Detroit, Michigan, or some other border city, who has to take Lipitor or some other prescription drug on a regular basis, and they go to the neighborhood pharmacy and it is $60; but they can go over the border and get the exact same drug made by the exact same American pharmaceutical company, exact same dosage, same box, for $20?

Now, we all, if we have been doing our homework on prescription drugs, have heard that story. And that is what we are talking about. We are talking about letting our constituents, not just seniors, but young mothers and families, save lots of money.

Just listen again to the differences in these prices. Allegra, in U.S. dollars, $69; in Europe, $20. Lipitor, in America, $52; in Europe, $41. Premarin, $17 in America; $9.90 in Europe. Prozac, $71 in America; $44 in Europe.

These are real dollars. This is not just like the difference in gasoline, as you drive from town to town and State to State.

But we have to ask ourselves, if we allow more competition, will it not bring down the prices? Certainly it will. Do our constituents deserve this? Absolutely they do.

I want to also talk about safety, because is it safe not to take your Lipitor, is it safe not to take your Prozac, is it safe to not take your Zyrtec? This is the issue that seniors and everyday Americans are faced with, not taking their drugs because it is too expensive to.

We appropriated $23 million to the FDA. We are not bypassing them. We are saying control this, but let us give American consumers the savings.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would confess that the Gutknecht amendment sounds good on the surface, but when you begin to scratch that surface, it is not so good. In fact, as some have suggested this afternoon, it is outright dangerous. Americans want a standard of excellence, and this amendment, at least the way it is worded, simply does not work.

Under present law, the FDA can stop drugs at the border if they appear to not be approved. That is sensible. If something looks bad, it certainly should not be allowed into this country. But under this amendment, it says that the FDA cannot stop a drug if it appears to be in compliance, even if it is not approved.

The FDA simply does not have the resources or the manpower to enforce an amendment of this magnitude, and as my colleague from Michigan (Mr. STUPAK) suggested a little bit earlier, this amendment could actually legitimize counterfeiting of drugs.

I would urge my colleagues to vote no on this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the Gutknecht amendment. I practiced medicine for 15 years, internal medicine. I treated diabetes, heart disease. I wrote a lot of

prescriptions, 100 to 200 prescriptions a day.

Most of the criticisms that have been raised by this amendment I think can be worked through and solved. What this really boils down to is there are millions of senior citizens in the United States who cannot afford their prescription drugs, and, for many of them, going to Canada or doing a mail order arrangement is a very nice solution to the cost problems.

To say that this is so dangerous, to me, I think, is a little bit of a red herring. In terms of the appearance language, as I understand it, that is the standard in the law as it currently exists. The gentleman from Minnesota (Mr. GUTKNECHT) was just following the current standard in the law.

This amendment will help a lot of people. The majority of seniors have a prescription plan that is paid for by their previous employer, so this is not going to affect them. But, for those in need, and I used to take care of those people, this can be very, very helpful.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

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

Mr. Chairman, we all want to do whatever we can do to lower the prescription drug costs for patients, and the sponsors of this amendment obviously intend to do just that. My friend the gentleman from Minnesota (Mr. GUTKNECHT), that is what he is after. But there is more to this than just lowering the cost. The corresponding cost to public safety under this amendment is simply unacceptable.

Under this amendment, overseas scam artists can counterfeit a label, claiming their product is a brand name, and we ban the FDA from even investigating? Would you vote to ban the FDA from investigating medications prescribed in this country? Even when they suspect exactly what is happening, the FDA is banned from investigating.

Mr. Chairman, I, too, wrote a lot of prescriptions as a practicing dentist for 25 years before I came here. I can tell you, America's health providers must know beyond any doubt that the medicines that they give their patients are what they say on the label.

Now, I know that some medications can come in, and it does save some people some money. But I do not want it imported through the port of Savannah to be spread out through my State, not knowing what is in that medicine.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I would like to thank the gentleman for introducing this amendment today, which is similar to his amendment which was passed with broad support last year during the consideration of the agriculture appropriations bill.

Living in a border State, many of my constituents are burdened with large prescription bills and travel to Canada to purchase their medication. This is a hard trip for these people who are driven to such an extreme because of the high cost of prescription drugs in this country.

Most of my constituents who board buses to Canada are elderly and in need of medication to manage chronic conditions. They rely on these medications to keep them out of costly and unnecessary hospital care. This amendment enables Americans to obtain their medications from Canada through personal reimportation.

We must ensure that all of our constituents have access to these more affordable prescription drugs. Certainly reimportation is not a panacea, it is not the answer to this problem in itself, but it is a step, and it is a step, an important step, in the right direction, and important to the constituents that we represent.

Mr. Chairman, I urge my colleagues to support the Gutknecht amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, there are some concerns that have been raised here by the DEA. They sent a letter to the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), dated July 11, 2001, which I will refer to and have placed in the record. When you look at the actual language, two of the concerns that they raise in the debate here today is this issue of appearance.

Under the present law, the FDA can stop drugs at the border if they appear not to be approved. That is sensible and workable. But the new Gutknecht amendment shifts the burden. The Gutknecht amendment says the FDA cannot stop a drug if it appears to be in compliance. If it appears to be in compliance.

Then it goes even one step further. It says you cannot prevent an individual who is not in the business of importing a prescription drug. This is going to be a safe haven for defense lawyers. They are going to love this. They are going to attack a lot of cases.

Let me refer here to the DEA. DEA says, you know, this will create an undue burden on law enforcement to require the government to prove that someone is in the business of importing prescription drugs before even commencing an investigation. Many unscrupulous persons will simply claim they are ''not in the business of importing prescription drugs'' in order to stifle investigations of potential criminal activity.

Mr. Chairman, we try to create laws with the best of intentions, and we create loopholes in the process, because sometimes there are things that get beyond us. The last thing we want to do is to send a signal to the international drug cartels, stop hiding your cocaine and your heroin. I tell you what, just put it in the form of an aspirin, label it, and it will come into the country. That is the wrong thing that we do not want to do.

I think this is a well-intentioned amendment, but completely misguided. Please vote against the Gutknecht amendment.

Mr. Chairman, I include for the RECORD the letter from the Drug Enforcement Administration to the chairman and ranking member of the Committee on Energy and Commerce.

DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, July 11, 2001.

Hon. W.J. TAUZIN, *Chairman,*
Hon. JOHN D. DINGELL, *Ranking Member,*
Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER DINGELL: Thank you for asking the Drug Enforcement Administration (DEA) to comment on two certain proposed amendments to H.R. 2330. In furtherance of the efforts of the Energy and Commerce Committee, the DEA is pleased to address the importation of drugs in the United States and submits the following comments on the proposed amendments. These proposed amendments would prohibit the Food and Drug Administration (FDA) from using any of its funds received under the Agriculture Appropriations Act to enforce certain provisions of the Federal Food, Drug, and Cosmetic Act (FDCA) that pertain to the importation of prescription drugs. We oppose both of these proposed amendments because they would hinder the ability of federal law enforcement officials to ensure that drugs are imported into the United States in compliance with longstanding federal laws designed to protect the public health and safety.

One of the proposed amendments would prohibit the FDA from using any of its appropriated funds to prevent a person ''who is not in the business of importing prescription drugs'' from importing from certain specified countries ''FDA-approved'' prescription drugs that are not controlled substances. This proposal would be in conflict with the Controlled Substances Act (CSA), which is DEA's governing statute. The basic foundation of the CSA is the ''closed'' system of distribution of controlled substances, under which all persons in the legitimate distribution chain (manufacturers, wholesalers, and retailers) must be registered with DEA and maintain strict accounting for all transactions. This regulatory scheme, administered by DEA, is designed to prevent diversion of controlled substances into illicit channels. However, DEA can maintain no control over the distribution chain and prevent diversion where American consumers purchase their drugs abroad. Somewhat similarly, the law that the FDA administers (the FDCA), cannot be effectuated where American consumers purchase their drugs abroad. Among the ways that the FDCA protects the American public is by requiring good manufacturing practices, proper labeling, and safe handling to prevent adulteration. There is no way to ensure such protections to American consumers if they are allowed to purchase drugs from foreign sellers without FDA oversight.

We recognize that the proposed amendment states that it does not apply to controlled substances. However, despite this wording, the proposed amendment would provide a potential loophole that could be exploited by traffickers in controlled substances. Every day, prescription drugs, including controlled substances, are illegally shipped into the United States by mail or private carrier. Those who ship controlled

substances in this fashion do not label their packages as containing controlled substances. Under the proposed amendment, drug traffickers could send shipments of controlled substances into the United States marked ''FDA-approved noncontrolled substance'' and the FDA would be powerless to take any investigative steps or to assist the United States Customs Service (USCS) or DEA in intercepting these illegal shipments.

An additional concern with the proposal is the use of the phrase ''an individual who is not in the business of importing prescription drugs.'' This terminology is vague, impractical, and inconsistent with that used historically in American drug laws. The FDCA and the CSA have always used the concept of ''registration.'' Under the FDCA, only those manufacturers registered with the FDA may import prescription drugs. Under the CSA, persons must be registered with DEA to import controlled substances. Moreover, it would be an undue burden on law enforcement (and a benefit to traffickers) to require the government to prove that someone is ''in the business of importing prescription drugs'' before even commencing an investigation. Many unscrupulous persons would simply claim they are ''not in the business of importing prescription drugs'' in order to stifle investigation of potential criminal activity.

As with the proposed amendment described above, another proposal would likely be exploited by drug traffickers. This proposal would prevent the FDA from enforcing section 801(d)(1) of the FDCA (21 USC 381(d)(1)), which prohibits the reimportation into the United States of prescription drugs, except by the manufacturer of the drug. Under this proposal, a drug trafficker could stymie legitimate efforts by the FDA to assist in preventing illegal drug shipments into the United States simply by attaching a deceptive label to the shipment (e.g., by labeling a shipment of controlled substances as containing ''FDA-approved, reimported prescription drugs'').

DEA, FDA and the USCS are currently facing enforcement challenges on many fronts with respect to prescription drug importation and smuggling. Information obtained from the USCS indicates that there is an increased volume of prescription drugs being imported through the mail as a result of the Internet. Although the CSA clearly prohibits importation of controlled substances in this manner, the FDA and USCS must inspect each package to ascertain the contents. Identifying a drug by its appearance and labeling is not an easy task. From a practical standpoint, inspectors cannot examine drug products and accurately determine the identity of such drugs or the degree of risk they pose to the individual who will use them. This is particularly true since these drugs are often intentionally mislabeled. Shipments from countries identified in the section 804(f) of the FDCA have been the source of a large amount of controlled substances that have been illegally imported. Additionally, the USCS inspectors on the southern and northern borders must determine whether each traveler entering the United States with a drug is complying with the FDCA and the CSA. By preventing the FDA from enforcing certain provisions of the FDCA regarding the importation of drugs, these amendments could be a windfall for criminals, giving them a new way to hide their activities behind a new restriction on law enforcement.

For these reasons, we respectfully oppose the foregoing amendments to H.R. 2330. Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

WILLIAM B. SIMPKINS,
Acting Administrator.

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

First of all, I just want to make it clear to all Members the word ''appears'' is what is in the statute today. We are using exactly the same standard. If Members would like a copy, we certainly can get it to you.

Ultimately, it comes down, as I said earlier, to this chart. Now, if Members can explain this chart, if they can defend this chart to their constituents, then go ahead and vote against my amendment.

It is a very simple amendment. Earlier today we had a special guest who came and spoke to the Republican Conference, all the way up from Pennsylvania Avenue. I took some notes, and here are some of the things that he said. We all ought to pay attention. He said all wisdom does not reside here in Washington. We trust the people.

Do we really? Do we trust the people to make decisions about their own health care?

It is important to do what is right for the American people, he said. This is not a world of the perfect, he said.

Finally, he said, and I quote, ''We have to be a Nation of free trade.''

Mr. Chairman, if we believe in free trade, if we believe in empowering the American people, should they not have a right to be able to import legal, FDA-approved drugs from G–8 countries?

This amendment does not even include Mexico. It does not include narcotics. My amendment does not include codeine. This is a very simple, small amendment to say to the FDA, stop pestering law-abiding citizens. Stop pestering those senior citizens who are trying to save $37 on their Coumadin. That is ridiculous, it is indefensible, and this Congress ought to stop it.

We are going to either stand today for free trade in America for consumers, we are going to stand for our senior citizens who are being gouged by the big pharmaceutical companies, or we are not, and we are going to have to make that choice, and every one of us is going to have to defend that vote. There are many votes we are going to take in the next year, and many of them we are not going to hear about again. But, I guarantee, this is one we are going to hear about, because we are going to be asked by our senior citizens, who did you vote with? When you had the chance to decide, were you with them, or were you with us?

This is a simple amendment that says law-abiding citizens should have access to legal FDA-approved drugs from FDA-approved facilities, and it excludes narcotics. How simple is that?

Now, last year a similar amendment passed this House, a much broader amendment, passed with over 370 votes.

This is a time for choosing. Do we believe in free trade? Do we believe in competition? Do we believe that free trade is only about helping the big corporations, or is it about helping our consumers?

We have a chance to make a very clear message to the FDA, to the bureaucracy, that they work for us, not the other way around.

Mr. BONILLA. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would like to clarify that the Bush administration has sent us a letter clearly opposing any amendment such as being offered now that could result in unsafe, unapproved or counterfeit drugs.

Mr. Chairman, I yield the balance of my time to the gentleman from North Carolina (Mr. BURR).

The CHAIRMAN. The gentleman from North Carolina is recognized for 2 minutes, 45 seconds.

Mr. BURR of North Carolina. Mr. Chairman, this is not about ''them or us.'' This is not a fight between Americans about what our policy is going to be. This is a question of whether we are going to keep the promise to all Americans to protect the gold standard of the pharmaceutical inventory in this country.

We currently through the FDA have compassionate use exceptions. We have the ability for individuals to cross the borders at Mexico, where there are 1,500 pharmacies in Tijuana, and we watch that very carefully. But we have also learned from that experience that we cannot determine the difference between real and fake.

□ 1345

What this amendment does is it defunds the enforcement mechanism at the FDA. It says that by defunding section 801, we do not allow the FDA to do any of these things that we see on this chart.

Let me go down a few of them. We prohibit drugs that contain filth. We defund the ability to stop drugs manufactured under unsanitary conditions. We defund our ability to stop drugs packaged in potentially unsafe containers. We defund our ability to enforce drugs made with unsafe filler additives.

In a hearing of the Subcommittee on Oversight and Investigation, we had Customs and DEA testify that they found drugs manufactured in Colombia; and visibly, one could not tell the difference between that and the real thing except one: it had no active ingredient. Therefore, it did nothing. The yellow color came from leaded yellow highway paint. It also contained boric acid, floor wax; and this is what this amendment would allow people throughout this country to purchase and to take only with whatever health conditions it might cause.

This would defund our ability to assure quality or purity that falls below our standards. It would not let us enforce drugs that are diluted; drugs that have false or misleading labels; drugs with labeling that does not identify the

manufacturer, packer or distributor; labeling that does not include the name and quantity of active ingredients; labeling that does not require adequate warning. And, most important, this would defund any effort by our enforcement mechanism to stop drugs that do not comply with child-resistant packaging requirements under the Poison Packaging Act.

Mr. Chairman, it could not have been said better than by the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Energy and Commerce: ''I wrote this provision because we had counterfeiting years ago. If we change this provision, we will have counterfeiting in the future.''

Defeat this amendment. Stand up for the safety of our pharmaceuticals in this country.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Gutknecht amendment.

Like the Sanders amendment, this amendment would expose our constituents to potentially unsafe and harmful drugs. We all want to do more to help our seniors with access to affordable medicines but exposing them to potentially unsafe medicines as a way to do so is unacceptable.

As Members of the authorizing committee will rightfully argue, any proposed changes to the consumer safety standards in our country—a system that now ensures our medicines are the safest in the world—should only be done after thorough investigation and consideration.

To date, that investigation has shown that the Customs Service and the FDA are already overwhelmed at the border and at international mail facilities with drugs being shipped in for personal use and only a small portion of those shipments are currently investigated for their safety. In fact, our health and safety experts are recommending that we strengthen protections against these imported mail order drugs, not weaken them.

And if you won't heed the warnings of the experts, listen to the people who rely on us to keep their medicines safe. The ALS, Lou Gehrigs's Association wrote with their concerns:

This amendment would deprive the FDA, pharmacies and thus, our patients and families of the confidence we now have that our medicines are safe, have been properly stored, and are not counterfeit.

The Gutknecht amendment would only compound the safety risk to our constituents of counterfeit and unsafe medicines. I urge opposition to the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. GUTKNECHT. 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 Minnesota (Mr. GUTKNECHT) will be postponed.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. 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. KUCINICH:

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

SEC. 7____. None of the funds made available in this Act for the Food and Drug Administration may be used for the approval or process of approval, under section 512 of the Federal Food, Drug, and Cosmetic Act, of an application for an animal drug for creating transgenic salmon or any other transgenic fish.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 15 minutes.

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

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

I offer this amendment today to ensure the livelihood of commercial fishermen and protect our oceans, lakes and streams. This amendment is a reasonable and moderate safeguard. It will delay FDA approval of genetically engineered fish for 1 year.

This amendment is necessary because commercial fishermen and environmentalists have raised concerns that GE fish may pose ecological risks that have not been carefully considered by Federal marine agencies. This amendment corrects this situation by providing a 1-year moratorium, giving Congress the opportunity to investigate and authorize an agency with environmental expertise clear authority to regulate the environmental impacts of genetically engineered fish.

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

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

Mr. Chairman, I recognize that there are legitimate concerns for the safety of genetically engineered animals, including transgenic fish. However, I am concerned that the proposed amendment would actually delay advancement in the state of scientific knowledge. It would prevent FDA from reviewing any applications related to transgenic fish. The process of consulting with sponsors and reviewing applications that advances scientific understanding in both the public and private sectors, I do not wish to halt this learning process.

Furthermore, in reviewing these applications, FDA addresses the safety of the animal, the environment, and the consumer. In addition, the sponsor must assure that the transgenic fish are contained and not introduced into the environment or the food chain until safety is assured. This is a responsible approach. The scientific integrity and discipline of the drug-approval process makes it a reliable, effective, and safe venue for advancing scientific knowledge and getting needed products to the marketplace.

So I oppose this amendment, and I urge my colleagues to do the same.

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

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

I would just like to say in response that what we are proposing here is not to block research, but to block FDA final approval. Our approach would mean that the FDA would have to actually do more research. Scientists from Purdue University and the University of Minnesota have raised a number of serious questions about the ecological impacts of genetically engineered fish. These risks include genetically engineered fish escaping from ocean pens into the environment, which would impact wild populations of fish. Studies show that genetically engineered fish are more aggressive, consume more food, and attract more mates than wild fish. These studies also show that although genetically engineered fish will attract more mates, their offspring will be less fit and less likely to survive. As a result, some scientists predict that genetically engineered fish will cause some species to become extinct within only a few generations.

As a result of genetically engineered fish producing unfit offspring that are more successful in mating, the Purdue scientists predict that if 60, 60 genetically engineered fish were introduced into a population of 60,000 wild fish, the species would become extinct within only 40 fish generations. They refer to these disturbing results as the trojan gene effect.

Here we can see why a genetically engineered fish, this would be represented as a genetically engineered fish and is, in fact, what we are speaking about, as opposed to two conventionally developed fish, and we see the difference in size. What happens is, if they are released into the wild, they become much more attractive for mating; but they are not as fit. Their offspring are not as fit to survive, and eventually we end up with an extinct species.

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

Mr. BONIOR. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. KUCINICH), denying the Food and Drug Administration's scientific experts the funding necessary to review the application of transgenic fish.

I oppose this amendment because it does not give the FDA, the experts in this field, the power to make informed decisions about the safety of transgenic fish. Congress does not possess the depth of scientific knowledge needed to determine the safety of transgenic fish. We should go forward with the review. There is also already a comprehensive regulatory process at FDA's Center for Veterinary Medicine to evaluate any risk associated with transgenic species.

Now, the fundamental flaw also in the Kucinich amendment is that it is not restricted just to transgenic salmon, but applies more broadly to transgenic fish. For example, the amendment would severely hamper ongoing research efforts, including catfish research. Catfish is the Nation's largest aquaculture sector, providing over $500 million in revenue to farms covering over 190,000 acres in 13 States and is extremely important to my home State of Mississippi. Also, research on transgenic catfish is targeted to the development of disease-resistant stocks and novel veterinary medicine. This research is vital because catfish farmers can identify disease and, once identified, can remove the single greatest barrier to improved farm production and human health.

Mr. Chairman, U.S. agriculture producers and consumers have benefited greatly from advances in transgenic technology and in plant sciences. These new tools allow farmers to produce better products, while reducing chemical use, which provides a tremendous benefit to our environment. In addition, biotechnology holds the keys to eliminating world hunger and wiping out global poverty. While this technology has not been used widely in animal production, the promise for results similar to those that we have seen within the realm of plant science is evident.

Let me just close real quickly by saying, oppose the Kucinich amendment. Stand for sound science. Do not stick our heads in the mud. This is a great technology that will make species stronger, healthier and better.

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

For the record, this amendment does not restrict any research funding. I will say it again. This amendment does not restrict any research funding. Now, in case my colleagues did not hear that, this amendment does not restrict any research funding. It only restricts FDA funding related to their approval of the fish, but they do not do research. Any research funding comes from other USDA research accounts, and that is not impacted by this amendment.

Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. DEFAZIO), whose work on this amendment I appreciate.

Mr. DEFAZIO. Mr. Chairman, let us just get this straight one more time: no impact on research. Companies that are investing in research are free to continue to research. They are free to continue to consult with the FDA.

But what we want is a full scientific analysis of the potential impact of the release of these transgenic fish into the environment. That is what we are talking about. The FDA has no qualifications in the area of environmental science. They admit it. They have deemed, under their authority, that transgenic fish are new drugs. Therefore, they have the authority to pass on the viability of a new drug and the safety of a new drug; but the drug that they are approving is a living fish, a fish that will grow at many times the rate of its natural cousins; and it will outcompete them for food, outcompete them for mating activity, and ultimately bring extinction.

Mr. Chairman, in the Pacific Northwest we are spending $400 million a year to try and recover endangered salmon. Just a few of these transgenic salmon released into the environment could wipe out some of the remaining stocks which are struggling to survive.

□ 1400

We are spending $400 million on one side and we are going to release something that threatens that on the other side. ''Well, we will not release them. We will put them in net pens.'' They get out of them all the time. Storms come, they slosh out. Birds come, pick them up, then they drop them. That is an accepted fact.

They say, ''Do not worry, they will not be able to mate.'' Then the same companies that are manufacturing these transgenic fish admit that, ''Actually, our process is not quite foolproof, some probably can mate. But do not worry about it, do not worry about it, we do not think there will be a problem.''

The companies go on to say that they have not evaluated the problem. They have not evaluated the potential impact on native fish stocks. They have not evaluated the environmental impacts. But they say, ''Do not worry, the FDA has approved it.''

The FDA has approved transgenic fish as a new drug, not as a living creature to be released into the environment to interbreed with existing species. This is extraordinary.

The agency that should have jurisdiction perhaps would be the National Marine Fisheries Service. They know about fish. Maybe it would be the Environmental Protection Agency. They know a little bit about the environment. No, we are doing this in the FDA.

Here is what the agricultural coordinator for the National Marine Fisheries Service said. He was surprised to hear that the FDA was overseeing the environmental review regarding new salmon and making decisions on such things as whether fish would be grown in net pens.

Mr. Rhodes said, ''The National Marines Fishery Service, not the Food and Drug Administration, has the expertise to make such decisions and would need to be involved.'' That was May 1 of last year. Yet now we are rushing forward for the profits of a few companies to endanger the environment of the United States and the world. These fish should not be released into our environment until we fully understand the effects.

This amendment does not affect consultation between the FDA and the manufacturers, it does not in any way impact their research or their development, but it does say, ''Before we allow you to put them into the common environment of the United States of America, into our bays, our tributaries, our rivers, or even our ponds, because sometimes they get out of there, too, we want to know what the potential impact is on other species of fish.''

That is all we are asking for here. It is a simple request: Bring in an agency that knows something about fish, not the people at the FDA. Find one person at the FDA who has a degree in marine biology and I will buy dinner. There are not any over there. They do not know a darned thing about this issue or the potential impacts on the environment and other species of fish.

So this is a very, very prudent and conservative amendment. I urge Members to adopt it.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

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

I rise reluctantly to oppose this amendment today, because of my respect for the gentleman from Ohio (Mr. KUCINICH), a good friend of mine. But I think his amendment that would cut off funding for the FDA to go through the approval process or issue the final approval is bad policy.

I do not believe the anti-biotech position is supported by the facts. Even the Washington Post in this Monday's editorial entitled ''Food Fight'' called efforts to ban biotech murderous nonsense. Let me read from the article.

''Is this technology safe? No test has suggested that genetically-engineered crops harm human health. On the other hand, a lack of plentiful, cheap food harms human health enormously. Half the children in South Asia and one-third in sub-Saharan Africa are malnourished today. Among other consequences, these children suffer iodine deficiency disorder, which causes mental retardation, and vitamin A deficiency, which causes blindness.

''Some anti-genetic activists say the poor will not be able to afford or benefit from these new genetic products.'' They say also that the so-called ''green revolution'', which was supposed to conquer hunger and in their view did not, ''the green revolution, which involved improving seeds and fertilizers and pesticides, actually more than doubled cereal production in South Asia between 1970 and 1995. Despite enormous population growth during that period, it reduced the malnutrition rate in the world from 40 percent to 23 percent.''

So what the green revolution began, the gene revolution can continue. Today's amendment would stop the approval process or the approval. I think that is a mistake. I urge my colleagues to oppose the amendment.

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

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

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

Mr. Chairman, I have heard several times on the floor that this does not stop funding for research, all it does is stop funding for final approval by the FDA of that research. We might as well stop funding for research, because who is going to put money into the research if there is no provision for final approval for use of that research once it is done?

The FDA has the legal authority to regulate products derived from transgenic animals. Although significant public and private research to develop commercially useful transgenic fish is ongoing, none have completed the FDA process at this time. Products regulated as new animal drugs in the United States are subject to rigorous premarket requirements to determine effectiveness, to ensure food, animal, and environmental safety. This process includes targeting animal safety, safety to the environment, and safety for consumers who eat foods derived from genetically-engineered animals.

The Center for Veterinary Medicine intends to use various approaches, including a contract with the National Academy of Sciences, to identify further environmental safety issues associated with the investigation and commercial use of transgenic animals.

To do this, the agency will cooperate closely with other Federal and State agencies that have related authorities, such as the Fish and Wildlife Service and the National Marine Fisheries Service, in the case of transgenic Atlantic salmon. Last year, the U.S. National Academy of Sciences concluded that the regulatory system for biotech foods is appropriate and effective.

These are some of the reasons why this amendment is strongly opposed by a coalition of agricultural interests, including the American Farm Bureau Federation, the American Soybean Association, the Grocery Manufacturers of America, the National Corngrowers Association, the National Cotton Council, the National Fruit Processors Association, and many, many more.

Mr. Chairman, I urge my colleagues to reject this step back into the dark ages.

Mr. KUCINICH. Mr. Chairman, I yield 2¼ minutes to the distinguished gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the subcommittee.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to compliment my colleagues, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Oregon (Mr. DEFAZIO), for bringing this extremely important issue before the full House as we debate this 2002 agriculture appropriations bill.

Let me say to the gentleman that I think what is so important about what he has done is he has drawn a line in the sand. He is saying to us that before we cross the line between the green revolution and the genetic revolution, somebody here in Congress had better pay attention that our government is not even properly structured to deal with this significant scientific leap.

We are not talking about the marriage of genes between necessarily like species that have mated in nature, or pollinated in nature. But rather, we are addressing the injection of growth hormones into fish that have never mated, producing species that we have never seen the likes of, and nature has never seen the likes of since the dawn of time.

From an administrative standpoint, we could ask ourselves, who is in charge of fish, anyway? We cannot even get the government of the United States to inspect fish that is coming over our borders and causing people to get sick across this country.

So who is in charge of fish? We have the Commerce Department, with NOAA, the National Oceanic and Atmospheric Administration. We have the Interior Department with the Fish and Wildlife Service. We have the USDA, with the Food Safety Inspection Service. We have the EPA, which issues these advisories such as ''Do not eat fish from Lake Erie but one per week because of mercury levels being too high.''

I can tell the Members this, that we know today that we have half as many fish in our oceans as we did 25 years ago. This diminishment of the natural system of oceanic fish production is a serious international problem. If we think about the dawn of genetic engineering, this is but another transgenic product that we should be concerned about when it is released from containment into the natural environment. We do not know its consequences on the ecosystem, in the same way as we do not know the consequences of transgenically-altered plants in the natural environment. We are ill-equipped as a country to deal with these issues in any intelligent way, so we sort of get into using current unprepared bureaucracies, like FDA, which this amendment addresses.

Mr. Chairman, nothing in the gentleman's amendment stops research. But what it does is it says let us take a pause for thought here with the FDA. Let us take a look as a Congress to investigate and authorize the appropriate agency with environmental expertise and clear authority to regulate the impacts of these genetically-engineered fish, wherever that might be.

I fully support the amendment and urge adoption of this amendment.

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

Mr. BRADY of Texas. Mr. Chairman, there is a reason America has the highest standards and the safest foods in the world, safer than Europe, more nutrition than Asia, using less pesticides and preserving more of the environment than any other Nation in the world. The reason is that time and time again America has refused to inject politics into our food safety process.

However, that is what this amendment does. It contaminates our scientifically sound food safety process with politics. There is no scientific reason for the moratorium. The FDA already requires all food applicants, whether they are scientifically improved or not, to meet their highest safety standards, not just for human food consumption but for animal welfare and environmental safety.

This amendment not only does not contribute to food safety, it actually harms it, because it says no matter how beneficial, no matter how strong and valuable this research is, we cannot even consider it. This does discourage research into aquaculture breakthroughs which help us develop fish stocks that are healthier, more abundant, and more immune to disease.

That is important not just to farm catfish, not because we have decimated the world's fishing, but it helps to save the 30 percent of fish killed needlessly each year because of illness. If fish are healthy, the food is going to be healthy.

Finally, this amendment feeds the European hysteria, and feeds upon normal people who have not thought about the progress and benefits of biotechnology, too. The fact of the matter is that we produce more food on less land, more environmentally safe food with less pesticides in America and around the world because of biotechnology.

At Texas A&M, which I represent, we work with the Medical Center in Houston to develop plants and vegetables that have cancer-fighting oxidants. As we said here today, scientists have rice that will address the vitamin A deficiency which could help prevent 500,000 children each year from going blind in this world.

This is a risky amendment. This is a scientifically unsound amendment. Most importantly, it injects politics into food. Let us keep the politics out of food safety and in Washington where it belongs.

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

Mr. Chairman, I want to point out, there seems to be some misunderstanding about the purpose of this amendment. It is not a ban, it is a 1-year moratorium to begin to study the effects on the environment, on consumers.

I also want to point out that something the Washington Post cited on May 19, 2001, basically supporting the approach of the gentleman from Oregon (Mr. DEFAZIO).

Mr. Chairman, the Post points out that the FDA has classified what they call genetic enhancement, these bigger fish, as a drug for animals. Now, follow this. The FDA says it is a drug for animals. That technically means, according to the Post, the main task of its review will not be to look at the effects of the fish on the environment or fish

on the consumer, but to study the effect of the growth hormone on the fish. That is all the FDA does.

So here we have people advocating the right of fish to have growth hormones, and saying that that is more important than the right of people to be defended against possible adverse human health consequences, or the right that we have and the responsibility we have to protect our environment.

Protecting the right of fish to have growth hormones, indeed. Something smells fishy about the opposition, which would want to protect the right of fish to have growth hormones. That is all the FDA does here.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise, very respectful of the gentleman offering the amendment, to oppose the amendment offered today.

While I, too, have concerns for the safety of our food that has been genetically engineered, we need to continue the FDA's oversight and expertise in this area. Handcuffing the FDA by prohibiting their review process has very broad policy implications.

The risks associated with transgenic fish, and specifically salmon, are overstated. Claims that transgenic salmon will create genetic pollution are unfounded because only sterile all-female stock would be commercialized, virtually eliminating any risk of crossbreeding with wild salmon.

Legislating the approval process of FDA has far-reaching implications which could negatively impact future innovations to improve our food supply and our health.

□ 1415

We have a world to feed, Mr. Chairman, and I urge my colleagues to oppose the amendment.

Mr. KUCINICH. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the gentleman who preceded me in the well quoted from The Washington Post on an editorial about plants. Let us read the editorial The Washington Post wrote about fish. ''The ecosystem may or may not be ready for the first genetically engineered salmon, but the regulatory system emphatically is not. Environmental issues will be covered, the FDA promises, but the environmental and marine specialists who could best address them are housed at other agencies, and no law requires the routine involvement in decisions about the handling of genetically modified organisms that might get released into the environment.''

The gentlewoman who preceded me in the well said there will be virtually no risk because they will be sterilized. But the companies who manufacture these fish admit they cannot sterilize them all. Come on, they are not perfect. So some of them will get into net pans that will not be sterile, and we know some of the fish in net pans will get out. But if we are lucky, it will not be the ones who are not sterile; and if we are really lucky, if they are the ones who are not sterile, they will get caught before they breed. But if they breed, they could cause an unmitigated environmental disaster.

That is why a huge number of organizations, of fishers across the United States, bicoastal, and on the Gulf oppose the release of these fish before we know their potential impact on the environment.

Mr. KUCINICH. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) has 2¼ minutes remaining and the gentleman from Texas (Mr. BONILLA) has 5 minutes remaining.

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

Mr. BONILLA. Mr. Chairman, we have only one remaining speaker and the right to close, therefore I would reserve the balance of my time.

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

This amendment puts the scientific decision-making process into the hands of the best scientists for the job. I oppose the FDA making environmental decisions on GE fish. The FDA does not staff fish scientists, does not staff fish scientists, and has not consulted with the National Marine Fisheries Service or the Fish and Wildlife Service.

The following passage is from an article in The Washington Post.

Edwin Rhodes, aquaculture coordinator for the National Marine Fisheries Service, said he was surprised to hear that the Food and Drug Administration was overseeing the environmental review regarding new salmon and making decisions on such things as whether fish would be grown in net pans. Mr. Rhodes said the National Marine Fisheries Service, not the Food and Drug Administration, had the expertise to make such decisions and would need to be involved.

So I think we have to look at the scientific issues here. And does this sound like the FDA is adequately addressing the environmental concerns that are raised? It does not. But a 1-year delay would give Congress the opportunity to make sure that the National Marine Fisheries Service and the Fish and Wildlife Service are included in the process. I want to make sure that Congress will include the appropriate scientists in the approval process.

This amendment is about a 1-year moratorium to give us the chance to make sure that the right decisions are being made, or else, my colleagues, we may soon see a version of Frankenfish which will exterminate whole species of fish. We have an obligation to consumers to look at this and not to jump to a hasty decision which would involve the FDA giving approval for fish when in fact the FDA is not involved with health issues and environmental issues relating to consumers.

This amendment is strongly supported by commercial fishermen, including the Pacific Coast Federation of Fishermen's Association, the Alaska Trawlers Association, and the Washington Trawlers Association because their struggling industry, industries important to this country, cannot afford a negative ecological impact on the wild fish species that they depend on for their livelihood.

Vote for this amendment. It is to protect our people's health, our environmental health, and it is only for a 1-year moratorium.

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rise in opposition to this amendment; and I want to approach this from really just a broad and general perspective.

If we look over the next 25 years, the world's population is going to increase by 2.5 billion. This 2.5 billion increase in population is going to be occurring primarily in the developing countries of the world. When we look at the tremendous demand for food, and in particular for protein, in order to ensure that these people are going to have adequate nutrition, we have to be ensuring that we are investing in new science and research that is going to ensure that we have the capacity to produce these food products.

My concern with the amendment that we are considering today is, one, that it will circumvent our science-based regulatory process. I am concerned that it will set the process back, that it will ensure that we can have politics that can intercede all too often that will preclude our ability to ensure that we can see progress in the development of these new technologies.

One of my colleagues earlier today in this debate mentioned we have half as many fish in the ocean today as we did some few decades ago. A lot of this is due to overfishing and fishing that was occurring because of the demand to provide an adequate food source for a lot of people today. When we are looking at the potential for this technology, the technology that can be advanced through transgenic fish, this is something that in many ways could almost relieve some of this pressure on our natural fisheries by ensuring that we can continue to see progress in the commercial production of food and fish products.

So I think this is another argument for us to ensure that we are again continuing this science-based process. Some of the concerns that my colleagues raise I think are adequate. We ought to ensure we are using the most appropriate science. But FDA today is required, when they are considering the approval of these new transgenic

products, to have a dialogue, to be consulting with EPA, with U.S. Fish and Wildlife, and the National Marine Fisheries Service and NOAA, as well as USDA.

Furthermore, it is this amendment that would preclude that continued research and investigation through those bodies that have the scientific expertise. In fact, this amendment would set back our ability to fully understand the science and the threat that transgenic fish might pose for human consumption as well as the threat it might potentially pose to the environment.

Once FDA is confident that, through their investigation and the scientific process, that there is not a significant or marginal threat to both consumers as well as the environment, before anyone can even get a permit to produce transgenic fish, they are also going to have to go through a permitting process at both the Federal and the State level; that they will have to be dealing once again with EPA and other agencies, the National Marine Fisheries Service and U.S. Fish and Wildlife and EPA, which will be mandatory. So we have another safeguard there to ensure we will have adequate protections to the environment to ensure that we will not see any negative impacts.

In closing, I just ask my colleagues to respect the process. One of my colleagues earlier said that this is an amendment to protect the ability to use hormones in fish. Nothing could be further from the truth. Opposing this amendment is to protect a science-based process, to protect a process that will ensure that we will be able to reach out to the best scientists in the country that we have available to ensure that we will have adequate protections. And when we go through that process, we also then will have the promise. We will have the promise that we can see the increase in food production, in this case, in the production of fish, that can meet the protein and nutritional needs of hundreds of thousands if not billions of people that are going to be populating this Earth.

I ask my colleagues to vote ''no'' on this amendment.

Mr. KIND. Mr. Chairman, I want to thank you for the opportunity to speak on behalf of this amendment and urge my colleagues to support the amendment which would preserve funding for the American Heritage Rivers Initiative. I also want to extend my gratitude to my colleagues for introducing this important amendment.

The Heritage Rivers Initiative is entirely voluntary and locally-driven. This program is composed of local river pilots who work for a federal agency. These pilots help communities locate the resources they need to improve water quality, reduce flood losses, and promote environmental and riverfront development along some of the nation's significant waterways, including the Upper Mississippi River.

This program has been extremely successful in the designated areas along the Upper Mississippi River that include 58 communities in Illinois, Iowa, Minnesota and Missouri. Along the Upper Mississippi River, the American Heritage Rivers Initiative has been instrumental in bringing communities together to link existing trails and greenways, establish and improve interpretive centers, restore habitat and promote riverfront revitalization. I fully support this program, and I also support the proposed designations of Alma and Prairie du Chien, Wisconsin.

Thank you again for the opportunity to speak in support of this amendment and the American Heritage Rivers Initiative.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment from the gentleman from Ohio. This proposal is a thinly disguised attack on biotechnology. It would prohibit the Food and Drug Administration from using finding to review and approve applications for salmon and fish improved from biotechnology.

This amendment not only wastes money that already has been spent assessing the health and environmental safety of these biotech fish, it also would prevent FDA from meeting its obligations to review new foods under the Federal Food, Drug and Cosmetic Act.

Current law and regulations require applicants who wish to bring a new fish on the market to undergo a ''new animal drug'' review process by the Center for Veterinary Medicine. In meeting these requirements, an applicant must meet rigorous safety standards, which include strict requirements on animal welfare, the environment, and human health. This premarket review process ensures that the products of biotechnology are safe to grow and eat.

It is interesting to note that while research to develop commercially-viable biotech fish is well underway, none has completed the FDA review process. This amendment would effectively end current research projects and would put future private and public research efforts to improve quality and lower cost at risk.

Today, for example, disease is the biggest impediment to improved production of farm-raised catfish. This amendment would seriously undermine research that could improve these yields and reduce losses from disease.

Quick-growing biotech salmon could reduce the pressure on wild fish stocks that are used for feed. Salmon farmers also use only sterile, all-female stock to prevent cross-breeding with wild populations. The gentlemen's amendment would throw out all of the research and capital that were used to develop these new varieties and that is needed to move toward more sustainable fish production and harvesting.

FDA's policy on biotechnology has been in place for nearly ten years and has allowed the safe introduction of wholesome and safe food. Incidentally, FDA's policy applies to all foods, not just those produced using biotechnology. The gentleman's amendment implies that biotech foods are inherently different and more risky than foods produced using traditional techniques such as cross breeding. There is no scientific evidence to justify this assertion.

Rather than incite unfounded, ideologically-driven fears of this technology, we should recognize the incredible potential of biotechnology. Biotechnology will help alleviate hunger in the developing world, promote more environmentally-friendly and sustainable farming practices, reduce pressures on arable land, and create new markets for farmers.

Mr. Chairman, make no mistake: this is a measure aimed at stopping aquacultural biotechnology. FDA's current regulatory process should not be short circuited. I urge my colleagues to oppose this amendment.

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

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

Mr. KUCINICH. 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. KUCINICH) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. 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 Mrs. CLAYTON:

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

SEC. 738. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''AGRICULTURAL PROGRAMS—AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS'', by reducing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for competitive research grants (7 U.S.C. 450i(b)), by reducing the amount made available for ''AGRICULTURAL PROGRAMS—FARM SERVICE AGENCY—SALARIES AND EXPENSES'', and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University), by increasing the amount made available for ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' (and the amount specified under such heading for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222)), and by increasing the amount made available for ''AGRICULTURAL PROGRAMS—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', by $5,521,000, $10,000,000, and $7,007,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from North Carolina (Mrs. CLAYTON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mr. Chairman, I have agreed to present my amendment with the understanding that the chairman is going to work with us during conference, and

then I will withdraw it. But he has graciously allowed us to get the argument into the RECORD.

This amendment is an en bloc amendment and has three phases to it. The first part is to indeed allow for justification for the outreach to small and disadvantaged farmers. The reason why we need these extra resources for small and disadvantaged farmers is because small farmers, all farmers are having difficulty, but small farmers and disadvantaged farmers and minority farmers are especially having difficulty.

We are all aware of the issue around farmers not being able to get credit, farmers not being able to get the technical assistance, farmers not being able to keep up with the new technology. Well, providing monies to what we call the 2501 program allows them to do that. So we are asking for an increase to indeed have those resources.

The second part of this amendment would include the research. Now, I understand that many people have problems where we are suggesting the money should be coming from. But the issue we want for our colleagues to understand on this, is that the research and extension for the 1890 institutions has been woefully underfunded. I brought this chart so it could be put in as part of the RECORD. Indeed, this is the national research initiative, the competitive grant in the 1999 fiscal year, where we could find the records. All of the seventeen 1890 colleges got 5/10 of 1 percent of the money.

Now, why is this an inequity we want to bring to the attention of my colleagues? Well, most of the small farmers and disadvantaged farmers are more concentrated where the 1890 institutions are. And to the extent that they are not allowed to provide the research to add to the understanding of the research in those areas it would be indeed an error.

The third part of this amendment was the whole issue of capacity building. The capacity building of the grant would allow the opportunity to provide monies for graduate students, for professors, and those who would have the opportunity to build up the capacity of these universities. Now, I understand that this is perceived as impossible, as being too expensive. Is it too expensive to make these 1890 universities, some 17 of them, as capable as any other university? It adds to the capacity of the American rural structure. It adds to the capacity and the research that we are providing new people about the understanding of our food and our fiber.

So I would ask my colleagues as we move forward to support this.

Mr. Chairman, I am glad to be joined by one of the cosponsors of this amendment. Her particular interest was the research, but she is interested in all parts of the en bloc amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from North Carolina for allowing me the opportunity to work with her. I also thank the chairman of this committee and the ranking member for their leadership and their concern.

This is not a new attempt. This is an initiative that we worked on with the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and the authorization committee last year dealing with the 1890 land grant colleges. I am on the Committee on Science, and I know the value of R&D. I also know the value of the history of farmers as well as those farmers in the African community.

But generally speaking, the history of the land grant colleges were around the rural communities in particular. They came out of the soil, if you will. In fact, many of the colleges still have very large agricultural programs now and teach agricultural science, such as Prairie View A & M.

□ 1430

It is interesting we are not in this amendment asking, if you will, to take over the percentages and the dollars given to other colleges, in particular the 1862 land grant. But what we are highlighting is that the research dollars to the 1890 land grant is less than 1 percent. It is .5. So the opportunity for innovative research that can help in nutrition, that can help in agricultural science as it relates to the research done with farm animals, if you will, if an urbanite can suggest that particular type of research, soil research, environmental research, coming from these kinds of campuses, dealing with small farmers is an enormous asset to what is a very important part of our economy, and that is farming and food and agriculture.

So I would simply ask and join the gentlewoman from North Carolina in asking for our amendment to be supported along the lines of research in enhancing the opportunity for these colleges. In my State it is Prairie View A & M, but there are many, many colleges that can benefit by this research. It is, again, not to take away, it is to enhance.

I would hope that we would want to enhance the opportunities for research among these particular colleges. I ask for support of this amendment.

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, I understand clearly that we are to work on this in the weeks ahead and the months ahead to try to address the concerns of the gentlewoman from North Carolina and would like to inquire if the gentlewoman from North Carolina is still intending to withdraw her amendment.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I do, but I do have another speaker, if the gentleman will allow me to do that.

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

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member on the Subcommittee on Agriculture of the Committee on Appropriations.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding time to me.

Mr. Chairman, I wanted to publicly acknowledge the incredible work that the gentlewoman from North Carolina (Mrs. CLAYTON) has done in proposing this amendment along with the gentlewoman from Texas (Ms. JACKSON-LEE). Were it not for their vision and leadership last year, we would not have had any increase to these accounts.

Without question these colleges and institutes have such an enormous impact in our country, but also can be pivotal institutions for advancement in other countries. I envision the day when these additional dollars will be able to link these institutions to even some of the most underdeveloped areas of Africa. There, I think, cooperative research projects could benefit both nations, the farmers of both nations, the people of both nations.

I also want to thank both the gentlewomen from North Carolina (Mrs. CLAYTON) and the gentlewoman from Texas (Ms. JACKSON-LEE) for taking a hard look at the full potential of these historically black colleges and universities and the Tuskegee Institute and the needs of our smaller African American farmers.

In supporting this amendment, I am reminded of my travels to one State where there were significant civil rights suits against the U.S. Department of Agriculture. It was unbelievable to me that loans were not being made to very worthy endeavors by minority farmers for food processing. We run into this age-old problem of discrimination even by some of the local loan committees that still exist across this country.

I think that these universities and the Tuskegee Institute and these colleges can help lead America forward in a very important way. They can be of special assistance because of the trust with which they and their researchers are held by the very communities that we want to assist.

Mr. Chairman, I would have to say to these two gentlewomen—who really cannot be viewed as only gentle for some of what they have to address in serving at the national level and dealing with some of the issues that we contend with—that they are leading America forward in this new millennium in a way that is so vitally necessary. They certainly have my support in their intentions to increase funding in these categories.

Mr. Chairman, I know the gentlewoman wishes to withdraw the amendment at some point, but hopefully as we move toward the Senate, we will be able to take my colleague's excellent recommendations and enact them into law through conference.

Mrs. CLAYTON. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the ranking member for the sensitivity and enormity of her leadership in feeding the world.

I wanted to restate something that is crucial: The kind of partnerships that can be established between the historically black colleges and developing nations in terms of nutrition and agriculture science and opportunities to enhance their ability to provide food for themselves, which is a great problem in developing nations.

I thank the gentlewoman from Ohio (Ms. KAPTUR) for her leadership. I thank the gentlewoman from North Carolina (Mrs. CLAYTON).

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, certainly we know in most of those places it is women who are raising most of the food and feeding their villages. We know that the historically black colleges and Tuskegee Institute will be especially sensitive to that. Without a doubt their reach can be worldwide.

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

Mr. Chairman, I want to thank all of those who are sensitive to this issue; but I want to raise the issue of the contribution that small family farmers and minority farmers are making to the vitality of the agricultural community. And to the extent we help them, and 2501 is that outreach program, it is administered by nonprofit groups and 1890 colleges, and that is why it is essential to get sufficient funds for it.

The research that the gentlewoman from Texas (Ms. JACKSON-LEE) emphasized so strongly, already there is a connection between the developing countries. Tuskegee is doing biotechnology in Nigeria. There is a program, Farmers to Africa, Farmers to Caribbean. 1890 is taking sustainable agricultural know-how to these small, struggling countries to transfer the knowledge we have. So Americans are doing good and well at the same time.

Finally, the capacity-building of the 1890 colleges is sustained to add to the credibility and the strength of our higher education system. Research is an important part of agriculture, and to that extent we want to strengthen all of the land grant colleges, and this allows us to strengthen the 1890 land grant colleges.

Mr. Chairman, I thank the chairman for his willingness to work with us as we go forward in the conference committee.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

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:

Page 74, after line 21, insert the following new section:

SEC. 741. The amount otherwise provided by this Act in title I under the heading ''AGRICULTURAL PROGRAMS—COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'' for an education grants program for Hispanic-serving Institutions (7 U.S.C. 4231) is hereby increased by $16,508,000.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from California (Mr. BACA) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I rise in support of my amendment to increase funding for USDA grants for Hispanic-serving institutes for agricultural research. Hispanic-serving institutes, or HSIs, are the backbone of Hispanic college education. These schools have great research capabilities and have much to offer, but because they do not have a land grant or are not necessarily historical, they sometimes do not receive all of the resources they deserve.

I salute the efforts of the chairman, the gentleman from Texas (Mr. BONILLA), on behalf of the Hispanic-serving institutions on his work towards allowing HSIs to gain a foothold into agricultural research grants. Yet I am certain that the gentleman from Texas (Mr. BONILLA) would agree with me that these schools merit more funding, especially to increase the growth and development of Hispanics in our institutions.

Mr. Chairman, 41 percent of all USDA research project proposals for HSIs are funded. Forty-one percent is a remarkable success rate for proposal acceptance. We obviously have a great resource here that we are not using nearly enough, and we need to tap into that.

In addition, I would like to ask Secretary Veneman and the administration to understand that these institutions are important to the Congressional Hispanic Caucus, and we will work and fight for more resources.

FY 2000 HIGHER EDUCATION HISPANIC-SERVING INSTITUTIONS EDUCATION GRANTS PROGRAM TOTAL FUNDS AWARDED TO STATES AND LEAD INSTITUTIONS

State and lead institution	Awards
California:	
Hartnell Community College	$299,932
California State University—San Bernardino	150,000
West Hills Community College	300,000
New Mexico:	
New Mexico State University	149,585
Luna Vocational Technical Institute	150,000
Puerto Rico: University of Puerto Rico	148,770
Texas:	
Texas A&M University—Corpus Christi	149,974
Palo Alto College	299,992
St. Edwards University	299,875
University of Texas at Brownsville	263,664
Houston Community College	299,995
Texas A&M University—Corpus Christi	161,313
Texas A&M University—Kingsville	55,664
Total	2,728,764

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

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

Mr. BONILLA. Mr. Chairman, I want to commend the work of the gentleman from California (Mr. BACA) on this very important issue on Hispanic-serving institutions, and I want to also express my gratitude for his acknowledging what this subcommittee has done; and also what has been done historically on the Subcommittee on Labor, Health and Human Services and Education over the last few years in a bipartisan way to take care of many of the problems that exist at many institutions in terms of funding.

Mr. Chairman, as I discussed with the gentleman before, we are willing to work to see if there is a possibility at all to try to increase this number down the road. We do not know if that is going to be possible, but we certainly will make every effort. We have given increases in this bill over the last 2 years as well, and we are doing all we can; and we certainly will continue to do that.

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

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from California (Mr. BACA) for his leadership in bringing this issue to the attention of our subcommittee. The gentleman from California is particularly well suited to sensitizing the Congress for the extra attention that needs to be put to identify those institutions serving higher numbers of Hispanic populations, and to help to place those in a more competitive position with larger and more established institutions that tend to have first call at the U.S. Department of Agriculture, even in their research protocols.

Mr. Chairman, I assure the gentleman that he will have my full support in identifying ways to move funding to those institutions to reach a broader array of the American public, and, as with some of the other institutions we were talking about a little bit earlier, particularly those serving African American populations, to look also toward a global role for those institutions because of their inherent bilingual capabilities and the historic ties

that exist, certainly with Latin America and other places.

So we do not have a narrow view of only one State or even our own country, but we have this tremendous resource in our own country if we but see it and enhance it.

Mr. Chairman, I thank the gentleman for coming to us and for being the leader in this Congress and for bringing this issue to our attention. California could not have sent a more capable representative here, and the gentleman certainly has my pledge to work with him as we move toward conference to see if we cannot do it better in this new millennium than perhaps some of those who served here in the past.

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

Mr. Chairman, I thank the gentlewoman for her comments. We all realize that it is important to support institutions such as the HSIs, and I appreciate the lead that the gentleman from Texas (Mr. BONILLA) has taken in the past years ensuring funding, and I look forward to working with him in the future in conference committee to increase funding for this wonderful grant program.

Mr. Chairman, I understand that my amendment is subject to a point of order. I concede to that point of order, and I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 20 offered by the gentleman from Vermont (Mr. SANDERS); amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT); amendment No. 13 offered by the gentleman from Ohio (Mr. KUCINICH).

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

AMENDMENT NO. 20 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 20 offered by the gentleman from Vermont (Mr. SANDERS) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 267, not voting 7, as follows:

[Roll No. 216]

AYES—159

Abercrombie	Hill	Pomeroy
Ackerman	Hinchey	Rahall
Allen	Hinojosa	Ramstad
Andrews	Hooley	Rangel
Baca	Hunter	Reyes
Baird	Israel	Rivers
Baldacci	Jackson (IL)	Rodriguez
Baldwin	Jackson-Lee (TX)	Roemer
Barrett	Johnson (IL)	Rohrabacher
Bereuter	Jones (OH)	Ross
Berry	Kaptur	Rothman
Bishop	Kennedy (RI)	Royce
Blagojevich	Kildee	Sabo
Bonior	Kind (WI)	Sanders
Boswell	Kirk	Sandlin
Brady (PA)	Kleczka	Sawyer
Brown (OH)	Kolbe	Scarborough
Burton	Kucinich	Schaffer
Capito	LaFalce	Schakowsky
Capps	Lampson	Schiff
Carson (IN)	Langevin	Scott
Carson (OK)	Lantos	Sensenbrenner
Castle	Largent	Serrano
Chabot	Larson (CT)	Shadegg
Clay	Leach	Shays
Clement	Lee	Shows
Condit	Lewis (GA)	Skelton
Conyers	Luther	Slaughter
Costello	Maloney (NY)	Smith (MI)
Cramer	Mascara	Snyder
Crowley	McGovern	Solis
Cummings	McKinney	Spratt
Davis (IL)	McNulty	Stark
DeFazio	Meehan	Stenholm
Delahunt	Meeks (NY)	Strickland
DeLauro	Miller, George	Tancredo
Doggett	Mink	Taylor (MS)
Emerson	Mollohan	Thune
Engel	Moran (KS)	Thurman
Evans	Nadler	Tiahrt
Fattah	Napolitano	Tierney
Filner	Neal	Turner
Flake	Oberstar	Udall (NM)
Frank	Olver	Waters
Gephardt	Ortiz	Watson (CA)
Gibbons	Otter	Watt (NC)
Gilchrest	Owens	Weiner
Goodlatte	Pallone	Wexler
Green (TX)	Pastor	Wilson
Gutierrez	Payne	Woolsey
Gutknecht	Peterson (MN)	Wu
Hall (OH)	Petri	Wynn
Hastings (FL)	Platts	
Hastings (WA)		

NOES—267

Aderholt	Clyburn	Ford
Akin	Coble	Fossella
Armey	Collins	Frelinghuysen
Bachus	Combest	Frost
Baker	Cooksey	Gallegly
Ballenger	Cox	Ganske
Barcia	Crane	Gekas
Barr	Crenshaw	Gillmor
Bartlett	Cubin	Gilman
Barton	Culberson	Gonzalez
Bass	Cunningham	Goode
Becerra	Davis (CA)	Gordon
Bentsen	Davis (FL)	Goss
Berkley	Davis, Jo Ann	Graham
Berman	Davis, Tom	Granger
Biggert	Deal	Graves
Bilirakis	DeGette	Green (WI)
Blumenauer	DeLay	Greenwood
Blunt	DeMint	Grucci
Boehlert	Deutsch	Hall (TX)
Boehner	Diaz-Balart	Hansen
Bonilla	Dicks	Harman
Bono	Dooley	Hart
Borski	Doolittle	Hayes
Boucher	Doyle	Hayworth
Boyd	Dreier	Hefley
Brady (TX)	Duncan	Herger
Brown (FL)	Dunn	Hilleary
Brown (SC)	Edwards	Hilliard
Bryant	Ehlers	Hobson
Burr	Ehrlich	Hoeffel
Buyer	English	Hoekstra
Callahan	Eshoo	Holden
Calvert	Etheridge	Holt
Camp	Everett	Honda
Cannon	Farr	Horn
Cantor	Ferguson	Hostettler
Cardin	Fletcher	Houghton
Chambliss	Foley	Hoyer
Clayton	Forbes	Hulshof
Hutchinson	Mica	Sherwood
Hyde	Millender-McDonald	Shimkus
Inslee	Miller (FL)	Shuster
Isakson	Miller, Gary	Simmons
Issa	Moore	Simpson
Istook	Moran (VA)	Skeen
Jefferson	Morella	Smith (NJ)
Jenkins	Murtha	Smith (TX)
John	Myrick	Smith (WA)
Johnson (CT)	Nethercutt	Souder
Johnson, E. B.	Ney	Spence
Johnson, Sam	Northup	Stearns
Jones (NC)	Norwood	Stump
Kanjorski	Nussle	Stupak
Keller	Obey	Sununu
Kelly	Osborne	Sweeney
Kennedy (MN)	Ose	Tanner
Kerns	Oxley	Tauscher
Kilpatrick	Pascrell	Tauzin
King (NY)	Pelosi	Taylor (NC)
Kingston	Pence	Terry
LaHood	Peterson (PA)	Thomas
Larsen (WA)	Phelps	Thompson (CA)
Latham	Pickering	Thompson (MS)
LaTourette	Pitts	Thornberry
Levin	Pombo	Tiberi
Lewis (KY)	Portman	Toomey
Linder	Price (NC)	Towns
Lipinski	Pryce (OH)	Traficant
LoBiondo	Putnam	Udall (CO)
Lofgren	Quinn	Upton
Lowey	Radanovich	Velazquez
Lucas (KY)	Regula	Visclosky
Lucas (OK)	Rehberg	Vitter
Maloney (CT)	Reynolds	Walden
Manzullo	Rogers (KY)	Walsh
Markey	Rogers (MI)	Wamp
Matheson	Ros-Lehtinen	Watkins (OK)
Matsui	Roukema	Watts (OK)
McCarthy (MO)	Roybal-Allard	Waxman
McCarthy (NY)	Rush	Weldon (FL)
McCollum	Ryan (WI)	Weldon (PA)
McCrery	Ryun (KS)	Weller
McDermott	Sanchez	Whitfield
McHugh	Saxton	Wicker
McInnis	Schrock	Wolf
McIntyre	Sessions	Young (AK)
McKeon	Shaw	Young (FL)
Meek (FL)	Sherman	
Menendez		

NOT VOTING—7

Capuano	Knollenberg	Riley
Coyne	Lewis (CA)	
Dingell	Paul	

□ 1508

Messrs. LATOURETTE, HOYER, MANZULLO, PHELPS, BARTLETT of Maryland, WALDEN of Oregon, Ms. HART, Ms. KILPATRICK, Ms. VELÁZQUEZ, Mrs. NORTHUP, and Ms. ROYBAL-ALLARD changed their vote from ''aye'' to ''no.''

Mr. LARSON of Connecticut and Mr. ROSS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 216, I was unavoidably detained. Had I been present I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT), on which further proceedings were postponed and on which the noes prevailed by a 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 324, noes 101, not voting 8, as follows:

[Roll No. 217]

AYES—324

Abercrombie	Edwards	Kingston
Ackerman	Ehlers	Kirk
Aderholt	Emerson	Kleczka
Akin	Engel	Kolbe
Allen	English	Kucinich
Andrews	Evans	LaFalce
Baca	Fattah	LaHood
Bachus	Filner	Lampson
Baird	Flake	Langevin
Baldacci	Fletcher	Lantos
Baldwin	Foley	Largent
Ballenger	Forbes	Larsen (WA)
Barcia	Ford	Larson (CT)
Barr	Fossella	Latham
Barrett	Frank	LaTourette
Bartlett	Frost	Leach
Barton	Ganske	Lee
Bass	Gekas	Levin
Becerra	Gephardt	Lewis (GA)
Bentsen	Gibbons	Linder
Bereuter	Gilchrest	Lipinski
Berkley	Gillmor	Lowey
Berry	Gilman	Lucas (KY)
Bishop	Gonzalez	Lucas (OK)
Blagojevich	Goode	Luther
Blumenauer	Goodlatte	Maloney (CT)
Boehlert	Gordon	Maloney (NY)
Bonior	Goss	Manzullo
Bono	Graham	Mascara
Boswell	Granger	Matsui
Boucher	Green (TX)	McCarthy (NY)
Boyd	Green (WI)	McDermott
Brady (PA)	Gutierrez	McGovern
Brady (TX)	Gutknecht	McHugh
Brown (FL)	Hall (OH)	McInnis
Brown (OH)	Hall (TX)	McIntyre
Brown (SC)	Hansen	McNulty
Burton	Harman	Meehan
Calvert	Hart	Meek (FL)
Cannon	Hastings (FL)	Meeks (NY)
Capito	Hastings (WA)	Menendez
Capps	Hayes	Mica
Cardin	Hayworth	Millender-McDonald
Carson (IN)	Hefley	Miller (FL)
Carson (OK)	Hill	Mink
Castle	Hilleary	Mollohan
Chabot	Hilliard	Moore
Chambliss	Hinchey	Moran (KS)
Clay	Hinojosa	Morella
Clayton	Hobson	Murtha
Clement	Hoekstra	Nadler
Clyburn	Holden	Napolitano
Coble	Hooley	Neal
Combest	Horn	Ney
Condit	Hoyer	Northup
Conyers	Hunter	Nussle
Cooksey	Hyde	Oberstar
Costello	Inslee	Olver
Cox	Isakson	Ortiz
Cramer	Israel	Osborne
Crenshaw	Issa	Ose
Crowley	Istook	Otter
Cubin	Jackson (IL)	Owens
Cummings	Jackson-Lee (TX)	Pallone
Davis (CA)	Jenkins	Pastor
Davis (FL)	Johnson (CT)	Payne
Davis (IL)	Johnson (IL)	Peterson (MN)
Davis, Jo Ann	Jones (NC)	Petri
DeFazio	Jones (OH)	Phelps
Delahunt	Kanjorski	Pickering
DeLauro	Kaptur	Platts
DeMint	Kelly	Pomeroy
Deutsch	Kennedy (MN)	Portman
Diaz-Balart	Kennedy (RI)	Putnam
Dicks	Kildee	Quinn
Doggett	Kilpatrick	Rahall
Doyle	Kind (WI)	Ramstad
Duncan	King (NY)	Rangel
Dunn	Regula	Shays
Ehrlich	Rehberg	Sherwood
Eshoo	Reyes	Shimkus
Etheridge	Reynolds	Shows
Everett	Rivers	Shuster
Farr	Rodriguez	Simmons
Ferguson	Roemer	Simpson
Frelinghuysen	Rogers (MI)	Skelton
Gallegly	Rohrabacher	Slaughter
Graves	Ros-Lehtinen	Smith (MI)
Greenwood	Ross	Smith (NJ)
Grucci	Rothman	Smith (TX)
Herger	Roybal-Allard	Snyder
Hoeffel	Royce	Solis
Holt	Ryan (WI)	Spratt
Honda	Sabo	Stark
Hostettler	Sanchez	Stearns
Houghton	Sanders	Stenholm
Hulshof	Sandlin	Strickland
Hutchinson	Sawyer	Stump
Jefferson	Scarborough	Sweeney
John	Schaffer	Tancredo
Johnson, E. B.	Schakowsky	Tauscher
Johnson, Sam	Schiff	Taylor (MS)
Keller	Schrock	Taylor (NC)
Kerns	Scott	Terry
Lewis (KY)	Sensenbrenner	Thompson (CA)
LoBiondo	Serrano	Thompson (MS)
Lofgren	Shadegg	Thornberry
Markey	Shaw	Thune
Matheson	Thurman	Wexler
McCarthy (MO)	Tiahrt	Whitfield
McCollum	Tierney	Wicker
McCrery	Toomey	Wilson
McKeon	Traficant	Wolf
Miller, Gary	Turner	Woolsey
Miller, George	Udall (NM)	Wu
Moran (VA)	Velazquez	Wynn
Myrick	Vitter	Young (AK)
Nethercutt	Walden	Young (FL)
Norwood	Walsh	
Obey	Wamp	
Oxley	Waters	
Paul	Watkins (OK)	
Pence	Watson (CA)	
Peterson (PA)	Watt (NC)	
Pitts	Weiner	
Pombo	Weldon (FL)	
Price (NC)	Weldon (PA)	
Pryce (OH)	Wexler	
Radanovich	Whitfield	
Rogers (KY)	Wicker	
Roukema	Wilson	
Rush	Wolf	
Ryun (KS)	Woolsey	
Saxton	Wu	
Sessions	Wynn	
Sherman	Young (AK)	
Skeen	Young (FL)	
Smith (WA)		
Souder		
Spence		
Stupak		
Sununu		
Tanner		
Tauzin		
Thomas		
Tiberi		
Towns		
Udall (CO)		
Upton		
Visclosky		
Watts (OK)		
Waxman		
Weller		

NOES—101

Armey	Graves	Pascrell
Baker	Greenwood	Pelosi
Berman	Grucci	Pence
Biggert	Herger	Peterson (PA)
Bilirakis	Hoeffel	Pitts
Blunt	Holt	Pombo
Boehner	Honda	Price (NC)
Bonilla	Hostettler	Pryce (OH)
Borski	Houghton	Radanovich
Bryant	Hulshof	Rogers (KY)
Burr	Hutchinson	Roukema
Buyer	Jefferson	Rush
Callahan	John	Ryun (KS)
Camp	Johnson, E. B.	Saxton
Cantor	Johnson, Sam	Sessions
Collins	Keller	Sherman
Crane	Kerns	Skeen
Culberson	Lewis (KY)	Smith (WA)
Cunningham	LoBiondo	Souder
Davis, Tom	Lofgren	Spence
Deal	Markey	Stupak
DeGette	Matheson	Sununu
DeLay	McCarthy (MO)	Tanner
Dooley	McCollum	Tauzin
Doolittle	McCrery	Thomas
Dreier	McKeon	Tiberi
Ehrlich	Miller, Gary	Towns
Eshoo	Miller, George	Udall (CO)
Etheridge	Moran (VA)	Upton
Everett	Myrick	Visclosky
Farr	Nethercutt	Watts (OK)
Ferguson	Norwood	Waxman
Frelinghuysen	Obey	Weller
Gallegly	Oxley	

NOT VOTING—8

Capuano	Knollenberg	Paul
Coyne	Lewis (CA)	Riley
Dingell	McKinney	

□ 1522

Ms. LOFGREN changed her vote from ''aye'' to ''no.''

Ms. KILPATRICK, Ms. ROYBAL-ALLARD, Mrs. JoANN DAVIS of Virginia, Ms. MILLENDER-McDONALD and Messrs. SANDLIN, GRAHAM, ROGERS of Michigan, BECERRA, ROEMER, WHITFIELD and PICKERING changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 217, I was unavoidably detained. Had I been present I would have voted ''no.''

AMENDMENT NO. 13 OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) 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 145, noes 279, not voting 9, as follows:

[Roll No. 218]

AYES—145

Ackerman	Hinchey	Olver
Allen	Hinojosa	Ortiz
Andrews	Hoeffel	Owens
Baca	Honda	Pallone
Baird	Hooley	Pascrell
Baldacci	Hoyer	Pastor
Baldwin	Inslee	Payne
Barcia	Israel	Pelosi
Barrett	Jackson (IL)	Peterson (MN)
Bentsen	Jackson-Lee (TX)	Ramstad
Berkley	Jefferson	Rangel
Blagojevich	Johnson (CT)	Reyes
Blumenauer	Jones (OH)	Rivers
Bonior	Kanjorski	Rodriguez
Borski	Kaptur	Roemer
Brady (PA)	Kennedy (RI)	Rothman
Brown (FL)	Kildee	Roukema
Brown (OH)	Kind (WI)	Sabo
Burton	Kleczka	Sanchez
Capps	Kucinich	Sanders
Cardin	Lampson	Sandlin
Carson (IN)	Langevin	Sawyer
Clay	Larsen (WA)	Schakowsky
Clement	Lee	Schiff
Cummings	Lipinski	Scott
Davis (CA)	LoBiondo	Serrano
Davis (IL)	Lowey	Sherman
DeFazio	Luther	Slaughter
DeGette	Maloney (CT)	Smith (NJ)
Dicks	Maloney (NY)	Smith (WA)
Doggett	Matsui	Snyder
Edwards	McCarthy (NY)	Solis
Ehlers	McCollum	Stark
Engel	McDermott	Strickland
Eshoo	McGovern	Tauscher
Evans	McKinney	Thompson (CA)
Farr	McNulty	Thurman
Fattah	Meehan	Tierney
Filner	Meek (FL)	Udall (CO)
Frank	Meeks (NY)	Udall (NM)
Gilchrest	Menendez	Velazquez
Gonzalez	Miller, George	Waters
Goode	Mink	Weldon (PA)
Green (TX)	Morella	Wexler
Green (WI)	Nadler	Woolsey
Gutierrez	Napolitano	Wu
Gutknecht	Oberstar	Wynn
Harman	Obey	Young (AK)
Hastings (FL)		

NOES—279

Abercrombie	Boswell	Condit
Aderholt	Boucher	Conyers
Akin	Boyd	Cooksey
Armey	Brady (TX)	Costello
Bachus	Brown (SC)	Cox
Baker	Bryant	Cramer
Ballenger	Burr	Crane
Barr	Buyer	Crenshaw
Bartlett	Callahan	Crowley
Barton	Calvert	Cubin
Bass	Camp	Culberson
Becerra	Cannon	Cunningham
Bereuter	Cantor	Davis (FL)
Berman	Capito	Davis, Jo Ann
Berry	Carson (OK)	Davis, Tom
Biggert	Castle	Deal
Bilirakis	Chabot	Delahunt
Bishop	Chambliss	DeLauro
Blunt	Clayton	DeLay
Boehlert	Clyburn	DeMint
Boehner	Coble	Deutsch
Bonilla	Collins	Diaz-Balart
Bono	Combest	Dooley

Doolittle	King (NY)	Ros-Lehtinen
Doyle	Kingston	Ross
Dreier	Kirk	Roybal-Allard
Duncan	Kolbe	Royce
Dunn	LaFalce	Rush
Ehrlich	LaHood	Ryan (WI)
Emerson	Lantos	Ryun (KS)
English	Largent	Saxton
Etheridge	Larson (CT)	Scarborough
Everett	Latham	Schaffer
Ferguson	LaTourette	Schrock
Flake	Leach	Sensenbrenner
Fletcher	Levin	Sessions
Foley	Lewis (GA)	Shadegg
Forbes	Lewis (KY)	Shaw
Ford	Linder	Shays
Fossella	Lofgren	Sherwood
Frelinghuysen	Lucas (KY)	Shimkus
Frost	Lucas (OK)	Shows
Gallegly	Manzullo	Shuster
Ganske	Markey	Simmons
Gekas	Mascara	Simpson
Gephardt	Matheson	Skeen
Gibbons	McCarthy (MO)	Skelton
Gillmor	McCrery	Smith (MI)
Gilman	McHugh	Smith (TX)
Goodlatte	McInnis	Souder
Gordon	McIntyre	Spence
Goss	McKeon	Spratt
Graham	Mica	Stearns
Granger	Millender-McDonald	Stenholm
Graves	Miller (FL)	Stump
Greenwood	Miller, Gary	Stupak
Grucci	Mollohan	Sununu
Hall (OH)	Moore	Sweeney
Hall (TX)	Moran (KS)	Tancredo
Hansen	Moran (VA)	Tanner
Hart	Murtha	Tauzin
Hastings (WA)	Myrick	Taylor (MS)
Hayes	Neal	Taylor (NC)
Hayworth	Nethercutt	Terry
Hefley	Ney	Thomas
Herger	Northup	Thompson (MS)
Hill	Norwood	Thornberry
Hilleary	Nussle	Thune
Hilliard	Osborne	Tiahrt
Hobson	Ose	Tiberi
Hoekstra	Otter	Toomey
Holden	Pence	Towns
Holt	Peterson (PA)	Traficant
Horn	Petri	Turner
Hostettler	Phelps	Upton
Houghton	Pickering	Visclosky
Hulshof	Pitts	Vitter
Hunter	Platts	Walden
Hutchinson	Pombo	Walsh
Hyde	Pomeroy	Wamp
Isakson	Portman	Watkins (OK)
Issa	Price (NC)	Watt (NC)
Istook	Pryce (OH)	Watts (OK)
Jenkins	Putnam	Waxman
John	Quinn	Weiner
Johnson (IL)	Radanovich	Weldon (FL)
Johnson, E. B.	Rahall	Weller
Johnson, Sam	Regula	Whitfield
Jones (NC)	Rehberg	Wicker
Keller	Reynolds	Wilson
Kelly	Rogers (KY)	Wolf
Kennedy (MN)	Rogers (MI)	Young (FL)
Kerns	Rohrabacher	
Kilpatrick		

NOT VOTING—9

Capuano	Knollenberg	Paul
Coyne	Lewis (CA)	Riley
Dingell	Oxley	Watson (CA)

□ 1532

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 218, I was unavoidably detained. Had I been present I would have voted ''no.''

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. 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. BLUMENAUER:

Insert before the short title at the end the following new section:

SEC. ___. Effective three months after the date of the enactment of this Act, none of the funds appropriated or otherwise made available in this Act may be used to pay the salaries or expenses of personnel of the Department of Agriculture to make price support available (in the form of loans, direct payments to producers, or other subsidies) with respect to an agricultural commodity in the absence of a report to Congress by the Secretary of Agriculture that (1) fully specifies the amount of Federal funds being used to provide such price support and (2) describes the full effect of import quotas and tariffs imposed by the United States to protect such commodity.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER).

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

I rise to offer an amendment that would direct the Department of Agriculture to submit a report to Congress that details the full amount of Federal funds being used to provide price support and describe the full effects of quotas and tariffs imposed on our Government protecting commodities.

Mr. Chairman, we have a strange patchwork of policies that date back two-thirds of a century to the Depression Era, back to a time when there were 6 million family farmers, when 25 percent of our population lived on the farms. Today, we have a crazy patchwork of programs that have serious environmental impacts, which is why this amendment has been endorsed by Friends of the Earth and the Environmental Working Group, but it also has distorting impacts as far as the economy is concerned. It is estimated that worldwide, there are over $150 billion in extra costs that are added; and for the United States consumer, it is the equivalent of a 3 percent food sales tax, and the most regressive because of the impacts this has on the poor who spend more, $18 billion a year.

We deserve, Mr. Chairman, the opportunity to see the big picture before we move forward with other elements that deal with agriculture, that deal with international trade.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. MILLER) to speak to a specific example of the impacts that we are concerned about.

Mr. MILLER of Florida. Mr. Chairman, I rise in support of this amendment, and I thank the gentleman for introducing it.

All we are asking for is transparency, and let me use the illustration of the sugar program that was passed in 1996, when we were told, no cost to the American taxpayer. Well, let us look at the facts. Let us look at the facts.

First of all, GAO says it cost $1.9 billion for the American consumer. The American consumer is the American taxpayer, so it cost $1.9 billion. Last year, the Federal Government had to buy $430 million worth of sugar, and it does not have any use for it. It is having to store it. We are spending $20 million a year to store all of this sugar that we have no use for, and yet we were told that it had no cost. The price of sugar in the United States is more than double what it is elsewhere around the world, as if the Federal Government were a major purchaser of sugar, whether it is in VA hospitals or schools and such.

In addition, under the environmental issue, sugar is a major contributor to the pollution of the Everglades. We are going to spend $8 billion to clean up the Everglades, and we are going to pay a lot of that cost because the sugar program is causing the problem.

So these agriculture programs that say, oh, it does not cost the Government anything, we do not know what it costs us. It has direct costs and it has indirect costs, and all this amendment says is let us have transparency, and let us figure out what it really costs.

Mr. BLUMENAUER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I appreciate the gentleman from Oregon bringing this important amendment to the floor.

It is also important to remember that in 1996, this Congress brought the Freedom to Farm Act to this floor. The professed plan was to phase out farm subsidies in 7 years by spending $36 billion on additional subsidies.

Well, 7 years later we have spent over $80 billion instead of $44 billion, and that has not even been enough for subsidy supporters. In emergency funding for agriculture alone, Congress has spent an additional $38 billion. That means we either made a very bad guess back in 1996, or we are dealing with very bad public policy.

Today we find that the Freedom to Farm Act that was supposed to free America from farm subsidies while freeing American taxpayers from price supports, has actually backfired; and now. Congress once again is paying two, three, even four times the amount of subsidies that we pledged to the American people in 1996.

Congress passed welfare reforms for struggling, single parents; and now Congress needs to pass similar reforms for the American farmer. Americans should not continue paying people for not planting their crops.

The Freedom to Farm Act failed because Congressional courage failed all American taxpayers. We need to look at these misguided policies again, and stop subsidy payments that continue to cost American taxpayers billions of dollars.

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

I would hope that we on this floor of both parties, people of disparate philosophical orientations, could agree on

one thing: the American public deserves to know the big picture, how much it costs, who is paying, and the impacts of these programs so that we can make the appropriate decisions for agriculture, for the environment, and sound economic policy.

I understand there may be some question as to the acceptability of this amendment, that it may be subject to a point of order and I respect that, and I will be willing to withdraw my amendment. But I hope that we can work with the members of this subcommittee to be able to work to make sure that we have the information available to protect the environment, to provide sound agricultural policy, and be able to deal with our trade responsibilities in the international arena.

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

PARLIAMENTARY INQUIRY

Mr. BONILLA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BONILLA. Is the gentleman going to withdraw his amendment?

Mr. BLUMENAUER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TRAFICANT:

SEC. ____. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the ''Buy American Act'').

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

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

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

I would like the appropriators, if they would, to listen to my brief remarks, and the other Members. We just celebrated a great holiday, the independence of the United States of America; and right down here on the Mall when the national symphony was performing in celebration of our great democracy and republic, vendors were handing out souvenir small, plastic American flags that were made in China. The national symphony is performing, people are in Washington to celebrate this great holiday, and the vendors are distributing small flags that I will send over; I do not have them with me. This is ridiculous.

Mr. Chairman, this is a very simple amendment. It gets right to the point. Anybody that has violated our Buy American laws will not be eligible to get money under the bill.

I would ask that it be approved, as it has been to other bills.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BONILLA), the distinguished chairman in his first term, and I commend him for his work.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for yielding me this time. I want to commend the gentleman for offering this amendment. We support the amendment and would hope that we could move to a vote quickly on this amendment.

Mr. TRAFICANT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR), my distinguished colleague.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for proposing this Buy American amendment to this bill as well as many other bills that he has been successful in achieving this added language. I would not only like to support the gentleman on this effort, but to work with him to assure that both the letter and spirit of the law, as the gentleman has been able to pass here regarding Buy American, are working in every program of our government, let me point out, for example, the Department of Defense's purchase of food commodities, should be oriented toward U.S. farmers, U.S. produced commodities, not food brokers that might acquire their product from foreign sources.

Mr. Chairman, I just want to commend the gentleman and say I support the Buy American Act, and congratulations to the gentleman for bringing this Buy American amendment to America's attention.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentlewoman's comments. One of the reasons for the technicalities is that they say the Buy American law does not deal with service contracts, and we are going to address ourselves to that through the authorizing process. So the gentlewoman is exactly correct.

I ask for an ''aye'' vote.

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. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. SMITH of Michigan:

Add before the short title at the end the following new section:

SEC. ___. Section 135(a)(2) of the Agricultural Market Transition Act (7 U.S.C. 7235(a)(2)) is amended by striking ''2000 crop year'' and inserting ''2000 and 2001 crop years''.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

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

I presume that nobody is going to oppose this amendment, except maybe on a point of order. It is language that now exists over this past year for American farmers, and I simply want to bring to the body's attention that this amendment concerns a matter of fairness and equity to American farmers.

Very simply, my amendment would maintain the number of farmers eligible for the price support program that we have in the Federal Government.

□ 1545

We have a price support program that provides that if market prices fall below a certain level for these programs' crops, someone is eligible for an LDP, a loan deficiency payment, or a commodity nonrecourse loan.

Under the provisions of the law, though, technically, only those individuals that were enrolled in farm programs and designated their program crop acreage back in the late 1980s are eligible for this kind of support.

So what we did last year is allow every American farmer, those cattle and livestock farmers, those dairy farmers that did not have program crops and report them back in the 1980s, to be eligible for that same kind of federal price support as those individual crop farmers that had program crops.

We are basing our farm programs on antiquated crop history that was established from 1986 to 1991. This amendment provides that those other farmers that today are growing that corn, that rice, that cotton, the soybeans, that corn, will still be eligible for the Federal Government price support program.

It is a matter of fairness, and I say to the gentleman from Iowa (Mr. LATHAM), the deputy chairman, that the Senate has indicated they are interested in putting this in the Senate version of their agricultural appropriation bill. It is important that we, as quickly as possible, tell the American farmers, that otherwise might not be eligible for this kind of support help, that we intend to pass this amendment.

We had it in the chairman's mark of the appropriation bill supplemental. That bill was changed with the Stenholm substitute. This amendment needs to be accomplished. I would ask the leadership in their efforts, when we

go to conference, if this is in the Senate bill, can we move ahead on this amendment?

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

Mr. SMITH of Michigan. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, I appreciate very much the gentleman from Michigan's interest in this matter.

I understand there is strong bipartisan support to remedy this inequity in our farm program laws. I support the gentleman's efforts to accomplish this.

I am sorry that, because of the legislative nature of this amendment, the bill before us today is not the appropriate vehicle for this provision. However, I look forward to working with the gentleman in the future on this problem, and if the provision is in the Senate bill, we will consider this correction in our conference committee. I thank the gentleman for his efforts.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise to bring to the body's attention an amendment I have prepared that concerns a matter of fairness and equity to American farm policy. Very simply, my amendment would maintain the number of farmers eligible for Loan Deficiency Payments (LDPs) under language included in last year's Agricultural Risk Protection Act (Crop Insurance Reforms).

The explanation for this need is as follows: for farmers to be eligible for LDP payments under the current farm bill, they must have had their land enrolled in farm program acreage back in 1986–91 crop years. This means that farmers that have decided to go into farming in the past ten years have not been eligible to receive loans or LDP's unless they have purchased farmland that was enrolled in the 1986–91 acreage. This would also include those farmers that did have acreage enrolled at the inception of the base acreage allotments, but later shifted acreage from another use into program crop production. For instance, if a corn/soybean farmer that also grazes some land enrolled in program acreage decides to shift that grazed acreage into corn/soybean production, his new cropping acreage would not be eligible for the Loan Deficiency Payment.

This problem was recognized last year and LDP eligibility was expanded to include farmers not enrolled in program acreage—language included in Crop Insurance legislation. However, this provision was only for crop year 2000, and another legislative remedy is needed for crop year 2001.

My amendment, which I have also introduced as a stand-alone bill, H.R. 2089, would do just that. The idea of LDP eligibility equity has garnered strong bipartisan support within the Ag Committee, and was included in Chairman COMBEST's original mark for the 2001 Crop Year Economic Assistance Act that was voted on earlier this week (H.R. 2213), but was narrowly eliminated along with all other fiscal year 2002 spending that was included in the mark.

The Congressional Budget Office estimates that approximately 98.6 percent of program crop production is eligible for LDP payments. While that number is significantly high and captures most commodity producers, it is still unfair for the other 1.4 percent to be ineligible simply because those farmers are not enrolled in farm program base acreage. It is important that we enact this provision and eliminate this loophole that places some farmers at a competitive disadvantage. I urge members to vote for passage of this amendment so that we may correct this problem.

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

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

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

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

There was no objection.

The CHAIRMAN. The amendment of the gentleman from Michigan (Mr. SMITH) is withdrawn.

AMENDMENT NO. 30 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. SMITH of Michigan:

Add before the short title at the end the following new section:

SEC. . None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture who permit the payment limitation specified in section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(a)(2)) to be exceeded in any manner (whether through payments in excess of such limitation, permitting repayment of marketing loans at a lower rate, the issuance of certificates redeemable for commodities, or forfeiture of a loan commodity when the payment limitation level is reached), except, in the case of a husband and wife, the total amount of the payments specified in section 1001(3) of that Act that they may receive during the 2001 crop year may not exceed $150,000.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, July 28, 2001, the gentleman from Michigan (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. SMITH).

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

Mr. Chairman, I am disappointed in this amendment because earlier I had an indication from the Parliamentarian that this would be in order. We added some language that apparently is now going over the line in terms of legislating in an appropriation bill.

But let me just emphasize the importance of policy as we consider this amendment. The question befor this body is should the huge, large agricultural farm corporations get the most benefit from Federal agricultural programs? This amendment reinstates the $75,000 limit for payments.

Our agriculture programs, ever since we started these programs in the 1930s, have tended to benefit the large, and very large farmers, so in part the large farmers have bought out the small farmers because they have had the advantage in farm program payments.

My amendment, reinstates the $75,000 payment limitation on loan deficiency payments and it makes it a real $75,000 limitation on these producers. At the same time, and I would call this to the attention of the ranking member and chairman, at the same time, this amendment allows spouses of these farmers to be considered an equal partner in the farm operation, in other words, be eligible for the $75,000 payment limitation.

What we do now is make those spouses jump through, if you will, bureaucratic hoops to become qualified. We require such action as requiring the spouse to borrow money in their own name, put it into the farm operation, and then they can be eligible as a separate partner.

This amendment says that married couples would have the $150,000 payment limitation.

Let me go little further on what this amendment really does. Historically, net benefits from loan deficiency payments have been capped at $75,000 per producer, but this limit was doubled in the bill that went through on special orders a couple of weeks ago.

The increased payments to producers over the current $75,000 limit are estimated to be over $350 million. The huge, giant farmers are taking $350 million over and above the $75,000 limitation. This benefits only the very largest farmers.

The average farm size in the U.S. is about 420 acres, but one would have to raise 4,000 acres of corn at current prices to exceed or to go over the $75,000 limitation. There are many large farm operations that exceed 20,000 acres, so they are taking all of this extra money in and, in effect, taking it away from the family farmer.

Amazingly, this flawed system has allowed payments over $1 million to go to some of these farmers. Farmers that receive these large subsidies, and the grain traders that profit from expanded production, oppose this amendment. I think it is so important that we consider this kind of policy in terms of focusing the benefits on the small- and moderate-sized family farm operations.

This amendment accomplishes several things. It gives the spouse of a farmer the same kind of considerations as a partner. It provides that we hold to the $75,000 payment limitation, at a time when we are considering being frugal in our spending so that we do not start reaching into the Medicare and Social Security trust fund. It says,

let us save that $350 million that is spent on those huge farmers by locking in the limit that would also apply to the nonrecourse loan and the forfeiture provisions or the commodity certificates that are offered to that farmer if they exceed the limitation.

Mr. Chairman, I would urge this body to consider the kind of agricultural farm policy that we want for the future of American agriculture.

Mr. Chairman, I have an amendment concerning payment limitations for marketing loan gains and loan deficiency payments (LDPs) to farmers, as well as limits on benefits received through the USDA commodity certificate program and nonrecourse loan forfeitures. This amendment would cap payments to individual farmers from these programs at $75,000.

Mr. Chairman, few people are aware that many of our farm commodity programs, for all of their good intentions, are set up to disburse payments with little regard to farm size. Often in our rush to provide support for struggling farmers we overlook just where that support is going.

The limit on price support payments to farmers was increased when we passed H.R. 2213, the 2001 Crop Year Economic Assistance Act on June 26th. Historically, net benefits from loan deficiency payments and marketing loan gains has been capped at $75,000 per farmer. However, H.R. 2213, which passed under the suspension calendar and was not subject to amendment, doubled the benefit cap to $150,000. Even this limitation is exceeded when USDA authorizes a commodity certificate program to pay farmers that reach the payment limit.

The increased costs to government by doubling the benefit cap from the current $75,000 limit is estimated at over $50 million. Furthermore, additional payments to large producers received through the commodity certificate program are staggering—over $320 million in crop year 2000 alone.

A Congressional Research Service report on commodity certificates stated that, ''while purported to discourage commodity forfeitures, certificates effectively serve to circumvent the payment limitation.'' Amazingly, this flawed system allowed a single farmer to receive $1,201,677 in commodity support payments in 1999.

My amendment would simply restore a $75,000 limit on price support payments to individual farmers—including benefits via commodity certificates and loan forfeitures, but increase the limit to $150,000 for husband and wife farming operations. Currently spouses have to jump through several bureaucratic hoops to qualify.

With increased spending a concern, along with the fact that the additional benefits from the ''certificate'' program go to huge farm operations, I urge your consideration of my amendment. Boosting farm program payment limitations disproportionately skews federal agriculture support to the largest of producers, while doing nothing to alleviate the difficulties faced by small and medium-sized farmers. Let's do more to focus benefits on small and moderate size family farm operations.

USDA STATISTICS

Average acreage where $75,000 LDP payment is reached (crop year 2000): Corn, 1886 acres; soybeans, 2116 acres; wheat, 4,067 acres; cotton, 2,976 acres; and rice, 404 acres.

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

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

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order. If there are no other speakers, I would make a point of order.

The CHAIRMAN. Is the gentleman withdrawing the amendment?

Mr. SMITH of Michigan. I am not withdrawing the amendment. I question the point of order. It does not legislate, if I may speak.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. LATHAM).

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, 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, and I ask for a ruling from the Chair.

Mr. SMITH of Michigan. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman from Michigan (Mr. SMITH) is recognized.

Mr. SMITH of Michigan. Mr. Chairman, hoping the Chair is open to discussion and debate on this issue, I would call to the Chairman's attention to the fact that we simply say in this amendment, ''None of the funds appropriated or otherwise made available in this Act may be used to pay the salaries of personnel of the Department of Agriculture'' to accomplish these certain purposes.

This type of amendment has been put in former appropriation bills, so I would like a more detailed explanation from the Chair if he rules this amendment out of order.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment in the last phrase includes language imposing a new duty. 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. STUPAK

Mr. STUPAK. 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. STUPAK:

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

SEC. ____. For an additional amount for the Secretary of Agriculture to carry out section 311 of the Older Americans Act of 1965, and the amount otherwise provided by this Act for ''Agriculture Buildings and Facilities and Rental Payments'' is hereby reduced by, $10,000,000.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. STUPAK).

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

Mr. Chairman, I am pleased for the second year in a row to offer this important bipartisan amendment with the gentleman from New York (Mr. BOEHLERT). Unfortunately, the gentleman from New York cannot be here as he is on his way down to the White House, but we have his full support for this amendment.

Our amendment adds $10 million to USDA's nutrition program for elderly meal programs, known as senior citizen meals and Meals on Wheels. This amendment offsets this additional spending by reducing by $10 million from the agriculture building and facilities and rental payments.

Our amendment has the support of the Meals on Wheels Association of Michigan, the National Association of Nutrition and Aging Services Program, the TREA Senior Citizens League, the National Council on the Aging, and the National Association of Area Agencies on Aging.

I am sure all of us have met and spoken with seniors in our districts. I am sure they have told us how much they have come to depend upon the senior meals they receive, be it Meals on Wheels or meals at their senior centers.

Senior meal providers receive funding for the meals they distribute to seniors under the Older Americans Act through several avenues: first, through private donations; second, through the Department of Health and Human Services; and third, through the U.S. Department of Agriculture meal reimbursements.

Let me explain why a funding increase for USDA's nutrition program for the elderly program is so important. Unlike funding from the U.S. Department of Health and Human Services, HHS, which is distributed to the States based on population, the USDA reimbursement to States is according to the amount of meals served at each senior center. The money they receive is actually based on meals served at the senior center.

Our amendment is the best way to ensure that proper distribution of these funds are going to the centers where they prepare the meals.

Why do we need more money? Why are we back for a second year in a row? Why does this amendment go above the President's request? As our chart indicates here, if we take a look at this chart, according to the Administration on Aging, 253 million meals were served in 2000, but the agency admits that this year the estimates will be 291 million. That is a 15 percent increase over last year.

Even though we increased the funding last year for the meals, it is not going to be able to cover the dramatic rise in demand we see for senior meals. So the President's budget request, and the good work by the committee, it was good work, would be short of what we need just to cover our basic costs.

What our amendment does, the Stupak-Boehlert amendment will allow this important funding to reflect the inflation and the increase in demand for these meals. We can help senior meal providers that so desperately need assistance in these times of high gas prices, high cost of meals, and the increasing number of seniors who have come to depend on these meals, even in these good economic times.

I offer this amendment because of conversations I had last year with one such meal provider and about the plight of his agency. Bill Dubord and Sally Kidd of the Community Action Agency in Escanaba, Michigan, in my northern Michigan District, told me that their agency every year is having a tougher and tougher time keeping its head above water to provide senior meals.

I am sure all of us have heard similar stories as we travel about senior centers. According to a recent study, there are now an average of 85 people on waiting lists for home-delivered meal services, and are on the waiting list for an average of 2.6 months.

The bottom line is, our senior meal providers need more money to provide the meals. Increased funding will give them more money to provide more meals. More meals means more senior health. It is health. It is really that simple.

To pay for the amendment, as I have stated earlier, we have taken $10 million of a $187 million budget from the Department of Agriculture's building and facilities and rental payments. I fully recognize the importance of maintaining the Department's facilities. However, it is simply a necessity. We need to provide for our seniors.

□ 1600

When my colleagues are casting their votes, I hope they will think of the seniors they have met back home and the senior providers they have spoken with. Cast a vote for them and support this Stupak-Boehlert amendment.

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

Mr. LATHAM. Mr. Chairman, I just congratulate the gentleman on the amendment. I rise to simply state that I am not opposed to his amendment.

The CHAIRMAN. Does the gentleman seek unanimous consent to seek the time in opposition even though the gentleman is not in opposition?

Mr. LATHAM. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. LATHAM. Mr. Chairman, I yield myself such time as I may consume to just simply once again state I am not opposed to the gentleman's amendment, in fact support it, and I would hope we could quickly move to a vote on the issue.

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

Mr. STUPAK. Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 6 minutes.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this time on this important amendment to increase funding for the elderly food program and to take funds that may be available from rental payments that USDA does not have to make because it no longer is occupying certain facilities.

Without question, across our country the costs of even paying utility bills are rising significantly for seniors. Electric bills, gas bills in the Midwest, for example, have just risen at astronomical rates. And any way we can find to help seniors make it through this year and next I think are worthy of consideration. This is certainly one of those at the very basic level of decent nutrition.

We know that in many of our senior feeding programs, in fact, the programs are oversubscribed. I have been surprised in my own district on related programs, such as the Seniors Farmers' Market Nutrition Program, where seniors are allowed to use food coupons to purchase fruits, vegetables, herbs and so forth, the enrollment in the program is just growing exponentially because people are pinching every penny because of other expenditures that they have had.

So I think we really have to look carefully at any ways we can move food to the seniors' tables, and these particular meals programs operated through our area offices on aging are eminently successful across the country. I know in many cases I have sat in my own district and I have watched seniors being asked to contribute money in little envelopes to help pay for these meals at these senior centers to offset rising costs when they have very little to give anyway.

So I would say to the gentleman that I think he has a very worthy amendment this year. He was successful in leading our country last year with a similar amendment to increase funding for the program, and the number of meals, according to the charts that he has provided, have gone up. So it has been successful.

Certainly no person in America, no senior in this country should go without decent nutrition. We know that the poorest people in our country are women over the age of 85, and many of them are too weak sometimes to even get to the senior centers, so we have home-delivered meals being taken across our country in various neighborhoods. Sometimes the only contact that that senior has are with the person who delivers the noon meal.

So I want to thank the gentleman from Michigan (Mr. STUPAK), whose district actually spans the entire northern region of Michigan, who understands the problems of rural isolation of people in poverty and thank him for leading us all. And I am sure that the USDA, within its various accounts, can find the funds to cover the gentleman's proposed expansion, and I just want to compliment the gentleman for doing what is right, what is moral, and what we have the eminent capability to do in this country.

Mr. Chairman, I ask our colleagues to support the Stupak amendment.

Mr. STUPAK. Mr. Chairman, I yield myself the balance of my time, in closing, to thank the committee and the subcommittee and the ranking member for their support of this amendment. I would like to once again point out that the gentleman from New York (Mr. BOEHLERT) wanted to be here but he was called away to the White House. He has been of great assistance to us, not only in drafting and working this amendment, but in addressing the concerns of seniors throughout this country.

We thought the debate on this bill would go a little longer and we could do our amendment later when he got back from the White House. Unfortunately, he could not be here, but I wanted to recognize his efforts as well as that of the committee in helping us bring forth this amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support for the Stupak-Boehlert amendment to increase funding for the USDA's Nutrition Program for the Elderly by $10 million. This vital program helps provide over 3 million senior citizens with nutritionally sound meals in their homes through the meal-on-wheels programs, or in senior centers, churches, and in my district a few fire halls through the congregate meals program.

I would venture a guess that almost every single Member of this House has visited a congregate meal site or volunteered to ride along with a meal-on-wheels program. I want to remind everyone that these programs are important to our communities and that the need is quite real. Participants in this program are disproportionately poor. 33% of congregate meal participants and 50% of home delivered meal participants have incomes below the poverty level. A majority of meal-on-wheels participants live alone and have twice as many physical impairments as the average elderly person. The Nutrition Program not only feeds seniors in need but also allows those seniors to remain connected to their communities. Congregate meal sites give participating seniors the opportunity to socialize with members of the community. And Meals-on-Wheels volunteers deliver meals to frail, sick, home bound seniors most whom do not leave their homes even once a week.

Let me take just a moment to share with you the comments of some of the congregate meal program participants from the Town of New Harford Senior Center located in my home town.

Juanita, age 76, says: ''Meals are important. I come every day.''

Margaret, age 78, says: ''The meals are very nutritional. I like food! It helps me feel good and want to be active.''

Helen, age 91, says: ''I enjoy coming here for the meals and the company. There is always something new that I hear and learn. The food, I enjoy immensely.''

Carlton, age 88, says: ''It is a chance to get out and enjoy the company of seniors that makes my day!''

In order to fund this needed increase for senior meals, the Stupak-Boehlert amendment offsets $10 million for the Agriculture Building and Facilities account. I do not doubt the need for these funds. But the number of seniors needing nutrition services continues to grow and we must make a larger commitment to ensure that Nutrition Program for the Elderly is properly funded.

The Stupak-Boehlert amendment is endorsed by the Meals on Wheels Association of America, the National Association of Nutrition and Aging Services Programs, the TREA Senior Citizen League, the National Council on the Aging, and the National Association of Area Agencies on Aging. This amendment represents a small investment in a program that helps to fight the malnutrition and isolation far too many needy senior citizens face.

I urge my colleagues to vote for the Stupak-Boehlert amendment. Vote to support our nation's seniors.

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

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

The amendment was agreed to.

AMENDMENT NO. 25 OFFERED BY MR. WEINER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. WEINER:
Insert before the short title the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Agriculture to make any payment to producers of wool or producers of mohair for the 2000 or 2001 marketing years under section 814 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–387; 114 Stat. 1549A–55).

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 20 minutes.

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

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

First, let me begin, Mr. Chairman, by offering my sincere thanks to the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), and his staff for all the assistance they provided, as well as the gentlewoman from Ohio (Ms. KAPTUR) and her staff. I would also like to thank the gentleman from California (Mr. ROYCE) and the gentleman from Wisconsin (Mr. RYAN), who are also joining me in offering this amendment.

I stand as an urban member, someone who represents Brooklyn and Queens, the garden spot of the five boroughs perhaps, but not exactly a bastion of agriculture. But I am someone who strongly supports farm bills when they are offered. I have never voted against one and plan to vote for this one with enthusiasm. But just as during the 1980s and a period thereafter, as we have sought to make government programs more efficient and many social and urban programs were made more efficient by the actions of this body, we have an opportunity today to end what is quite literally a fleecing of America.

The wool and mohair program, which will cost in the area of some $20 million to the United States taxpayer next year, is a program that has been ended by this body and now revived by the President with the assistance of this bill. My amendment seeks to eliminate the subsidy.

First of all, let me explain that this is a program that has, I guess, the agriculture version of mission creep. It was started out in the 1930s and 1940s as an effort to protect the strategically needed resource, that is wool; to make sure that wool was available to be used in our military uniforms. Well, those of my colleagues who serve on the Committee on Armed Services recognize that since the 1950s or so it has been removed as a strategically necessary resource because we do not make uniforms out of wool any more. In fact, I have a uniform here that is made out of 100 percent cotton. And all of the uniforms are made out of either cotton or nylon.

So once that rationale was removed, then it became an emergency subsidy intended to get the industry over a hump that it faced in the early 1990s. When it was clear that the program was not as effective and perhaps a little more wasteful than some would want, this body ended the program in 1993. Now there is an effort to revive it again under the rubric that we need to be able to deal with foreign competition and the only way to do it is with this subsidy.

The second thing about this subsidy is that it is not cheap. We have throughout the 1990s provided more than a billion dollars to this industry. Just last year it was in the neighborhood of $10 million. It is not really clear where next year's number will end up, but it is somewhere in the range of $10 million, $15 million, or $20 million.

It is also very clear from our history with this program that it is not helping the family farmer. According to a study done in 1993, the average payment is some $44, though there are many who get much more than that. The top 1 percent who benefit from this program, including Mr. Sam Donaldson, gets in the neighborhood of $100,000 or more. So the idea this is something that is helping to augment the family farm is simply not borne out by the facts.

Fourth, as a matter of pure economics, this program is a failure. Wool has seen a price drop since the reinstitution of this programming from some 63 percent. Why are we seeing that? It is because most likely, in combining with the subsidy, we are doing nothing to control supply. So we are continuing to sheer more and more animals, more and more stockpiles are building up, the supply keeps on growing and growing and growing, and the price remains depressed. There is nothing in this program that does anything to change that behavior.

But perhaps the most damning economic line in this whole issue is that the price of mohair, which is about 20 percent of this program, has increased about 88 percent since 1995. If there was any better evidence that it is market forces and not this subsidy that is having an impact on the price and, therefore, the success of the farmers, it is that fact; that wool and mohair are bunched together in this program. And one is seeing a dramatic drop in price and one is seeing a dramatic increase in price. The program simply does not make sense from that perspective. If anything, if we are trying to drive up the price on some level, then at least mohair should be dropped from the program. The final irony is that there is a greater subsidy for mohair in this bill than there is for wool.

I would make one final point. There was a period of time between the time this program died and then like Frankenstein that it resurrected itself, and that was the year 1997 and 1998. And if we look at the statistics as to how the industry did in the last year we had the subsidy and the first year that it returned, the industry got worse, not better. There was a reduction in wool, in wool production, of about 11 percent. There was an 11 percent reduction in the profits to wool farmers in 1996. And when the subsidy ended, they actually had smaller losses of only about 3 percent. The same is true in the mohair industry. Mohair prices and mohair jobs actually reduced when we had the subsidy and then came back slightly when we got rid of the subsidy.

I would ask my colleagues to consider very frankly why it is that we have these programs in general. All of us want to be able to support farm programs. I believe the farm bill, as I said from the outset, is a worthy document we should support. Very often I am calling upon my colleagues to support purely urban things. But if someone comes to me and says, you know, this program that operates in the urban centers, like many of the housing programs of the 1980s, it simply is not working, I believe it is incumbent on Members that have those interests at heart to try to weed out the waste. This is, the wool and mohair subsidy program, is simply a waste of taxpayer money.

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

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

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume, and I would first like to ask my colleague from New York if he would answer a question.

Has the gentleman ever visited a wool house or visited any of the areas where the sheep and goat raisers exist?

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

Mr. BONILLA. I yield to the gentleman from New York.

Mr. WEINER. I would have to answer no, but that is true of most of the food products I eat every day. I have not visited where they were farmed either.

Mr. BONILLA. Reclaiming my time for another question, does the gentleman also oppose the apple program to deal with the hardships that apple producers are currently facing in the State of New York? Does the gentleman also oppose that?

Mr. WEINER. Mr. Chairman, if the gentleman will continue to yield, I would be happy to answer that question.

When we offer in this body emergency programs to deal with exigent circumstances, we expect that that is not going to be in perpetuity. That is why if I were in this body, I would not have opposed the first time this emerged as an emergency subsidy.

So I would say I support the judgment of the chairman. If there is an emergency situation existing in the apple industry, I would clearly support it. If the gentleman came to me for 10 years in a row and said it is an emergency because now we are getting competition from applesauce manufacturers, that is why we need to keep it going, I would probably have reservations regardless of the State.

Mr. BONILLA. So the short answer would be no, the gentleman does not oppose the apple money in the bill, and it is not a designation of an emergency line item.

Mr. WEINER. If the gentleman will continue to yield, if the apple program is, in the judgment of the chairman, a worthy program to help, I would imagine it is a program that is designed, and it is one that I am not nearly as expert on as the gentleman is, but I imagine it is designed to deal with this temporary circumstance and not to exist into perpetuity; is that correct?

Mr. BONILLA. Well, the program was proposed by one of the gentleman's colleagues from New York, and that is why I am asking a question. It is a hardship that exists on apple growers in New York and in other parts of the country that is in this bill. It is not an emergency line item either.

I am just trying to draw the comparison that hardships exist in different parts of the country and it is interesting that the gentleman does not oppose the $150 million apple line item in here, and there was money for apple producers last year as well. So there are continuing programs on occasion that do help producers that are doing all they can to pay their bills back home that are not part of permanent law.

The Wool Act, as the gentleman knows, was eliminated several years ago, I believe it was 6 years ago, and is not in permanent law. The program that the gentleman is trying to remove from the bill today is one that is not permanent law either. We are just trying to assist producers out there now that have gone through some very difficult times.

Mr. WEINER. If the gentleman will continue to yield, I guess the concern that some of us have that are concerned about this program, and to use the apple example, if we were to stand here in 1950 or 1945 and say, you know what, we need to defend the apple producers because the apple seeds are a vital resource, and then it turned out apple seeds were not that important; and then we come back and said it is the apple core that is very important; and then a few years later we killed the program because it is no longer worthy, I think the point I am trying to make is this is a program that has been tried, it has been offered several different justifications, it has failed by most economic sources I can look to, it has not been successful, and Congress did the right thing in pulling the plug on it.

I guess I would agree with the gentleman that the same standard should be used for the apple program or any other program, sir.

Mr. BONILLA. Well, let me again summarize it, and I do not want to put words in the gentleman's mouth, but clearly the gentleman does not oppose a program for example in his State that is a big line item in this bill, but is yet trying to remove this program from this bill.

Let me point out some statistics, and perhaps the gentleman can identify with some hardships that exist currently for wool and mohair producers. Since 1993, 16,000 family farms and ranches have left the sheep industry. The U.S. breeding herd has dropped by over 20 percent. Lamb imports have increased over 50 percent, and it is currently 20 percent of the domestic market. U.S. wool production has dropped to record lows, and imports have increased by 11 percent.

□ 1615

The Nation's largest wool textile company filed for bankruptcy. Wool prices in 2000 were the lowest in 30 years.

We in Congress do the best we possibly can for whatever part of the agriculture industry that exists around the country that is suffering hardship. There is nothing more American and traditional in this country than to try to preserve family farms and ranches; and there are many, many programs in this bill that do just that, including the one I pointed out that was in the gentleman's home State as well, which he supports.

All we are saying is whether we are talking about apples, corn, cotton, tobacco, wheat, soybeans or whatever, all of these are part of the American fabric. Wool and mohair producers are part of the American fabric that we do not want to see become extinct. So for that reason I stand in strong opposition to this amendment today.

As a nation, we can no longer afford to arbitrarily attack agriculture because it has the fewest voices representing it. Less than 2% of the American population is involved with agriculture, yet we feed and clothe all of America and most of the world!

What I find even more strange is that the amendment singles out a total of less than $40 million in much needed assistance to wool and mohair producers. Yet the sponsors have no problem with the rest of the $5.5 billion dollars that Congress just approved for corn, cotton, tobacco, wheat and soy bean producers. If they did, I assume they would try to kill that relief as well.

Yet, those commodities have a much larger voice and support base in Congress so I guess we'll just go after the little guys. And they are small producers. . . .

Twenty-one percent of the 12,825 payments went to sheep ranchers in the Navajo Nation. I'm sure that the gentleman would not even begin to insinuate that the Navajo people are wealthy corporate ranchers.

This amendment would hit them harder than any other group of individuals.

Mr. Chairman . . ., many of the statistics the gentleman is using do not even relate to the emergency payments they are trying to stop. They refer to the old wool program which ended in 1995.

Mr. Chairman . . ., I urge all of my colleagues to oppose this amendment, it's the wrong amendment, the wrong time and the wrong place. Oppose this amendment.

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

Mr. WEINER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I think the Congress has been a little sheepish when it comes to reducing wasteful programs, especially during times when we have had a Federal surplus.

I would just make the point that Congress did end the wool and mohair subsidy. It was phased out in 1994. I think that was a good thing. Subsequent to that taxpayers did save about $200 million a year. That was good.

However, like a wolf in sheep's clothing, this subsidy came back in the fiscal 1999 omnibus appropriations bill and again in the fiscal 2000 agriculture appropriations bill. Now wool and mohair producers have become eligible to receive these payments again.

I do oppose the subsidy for apple producers. I think that is another rotten apple in this agriculture measure that is before us. But let me make the observation that while in the old program

farmers were paid a subsidy for the wool and mohair they sold, in this new program, if I understand it right, the way it works now is the farmers do not need to attempt to sell their goods necessarily. The Agricultural Department will pay farmers by the pound just to produce mohair. Under the new program not only can farmers make money without selling their crop, they can make money without trying to market it, if I read it correctly.

In 1999, taxpayers provided wool and mohair farmers, I believe, 10.3 million in subsidy. As explained, the original concept of this had to do with our national security. It had to do with the fact that military uniforms were wool. But the reality is that in 1959 they changed to synthetic fabrics and cotton. That is the situation today.

I just think it is time to end this waste of taxpayers' dollars. I think it is time to shear the wool and mohair subsidy and stop the fleecing of tax dollars.

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

Mr. BONILLA. Mr. Chairman, I yield 2½ minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I rise in opposition to this amendment.

The prior speaker said we are a little sheepish. I do not want him to pull the wool over the eyes of the American public in this Congress. You have to be in the business to receive the help in opposition to what he stated in his testimony.

The farmers and ranchers of the United States that produce wool and mohair are suffering the same crisis in agriculture as producers of other crops. Sheep producers pay the same increased cost of fuel as the grain farmer and are suffering undue hardships because of the value of foreign currency to the U.S. dollar in unfair trade practices. Loopholes remain open that allow foreign products access to U.S. markets through Mexico and Canada.

Producers in the United States continue to produce some of the world's finest wool and mohair, and yet for many producers wool prices do not even cover the cost of shearing the sheep. As a result, short-term financial relief through a market loss assistance program is vital to U.S. producers. Market loss assistance has had a positive impact for producers in all 50 States.

I am in the cashmere goat production business, which is not under this particular amendment. I receive no financial assistance. But I can state that we are trying to help people within agriculture to diversify the income on their farms or ranches so they do not have to be dependent upon Federal help.

This amendment goes against every principle of trying to help people in agriculture help themselves. We do not want to be dependent on the Federal Government; but until this government gets a handle on energy costs, on import problems, and understands that, unless this government steps forward and solves many of the problems that are creating the crisis in the Federal farm communities of this Nation, we will continue to have to come in and look to the Federal Government for relief.

We cannot let the people that want to destroy agriculture get our goat. I urge the Members to vote no on this amendment.

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

First of all, let me address some of the points that have come up by the very distinguished chairman about the inconsistency in his mind of my supporting a program that is in New York. Well, I also support programs that are in Mississippi, Montana and North Carolina and all across this country because I support the bill. I think it is a good bill.

Mr. Chairman, I would ask both the chairman and members of the committee and all of my colleagues, if we had a program that was in place under various guises since 1938, and still we were seeing that the marketplace was not responding to the subsidy, that we were still hemorrhaging market share, and still losing the jobs and had fewer and fewer heads of sheep that were being lost, why would you deem it to be a successful program?

Can anyone argue by any measure that it is a successful program? Is it successful for the average farmer that will get $44? The gentleman from Montana said we need to keep it in place because of the strength of the dollar or because of trade disputes. We will add those to the list of justifications and reasons that have been growing since 1938.

Let me reiterate the statistics of this. 1993 we had a subsidy. There was a 5.2 percent reduction in wool production. 1994 we had a subsidy, 11 percent loss. 1995 we had a subsidy, 8 percent loss. 1996 we had a subsidy, 11 percent loss. 1997 we did not have a subsidy, we only had a 3 percent loss.

Perhaps there was something about the marketplace in 1997, perhaps it was the Democratic Presidency, but the fact of the matter is there seems to be no correlation between the subsidy and the success of the program.

Mr. Chairman, I think it is reasonable for Members of Congress who support ag programs to say this one is a bust. It is not working. I think we have to make those distinctions both in agriculture programs, and I would say this to my most fervent colleague in the urban areas, we have to make those determinations with urban areas as well. If a colleague from an urban area said we need to continue the subsidy for mass transit for all of those coal-powered subways, I would say there are no coal-powered subways.

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

Mr. BONILLA. Mr. Chairman, what is the time remaining?

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has 13 minutes remaining. The gentleman from New York (Mr. WEINER) has 9½ minutes remaining, and the gentleman from Texas as the chairman of the subcommittee has the right to close.

Mr. BONILLA. Mr. Chairman, we only have one additional speaker, so I reserve the balance of my time.

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

Mr. Chairman, I do not have a great deal to add on the importance of preserving what I believe will turn out to be on the final vote on this bill a continuation of the very strong urban-rural coalition that exists in this House. I and many of my colleagues are going to be supporting the agriculture bill with enthusiasm. We recognize the matrix that exists between farm programs that are miles away from our communities and the importance that they play to our economies and our communities.

All of that being said, it should never be a substitute for us making wise decisions about what programs work and what programs do not work. In 1993, this body took several steps to reduce the size of government to make thing more efficient.

In 1993, after years of being hammered on television shows which were frequently unfair about a fleecing of America, we finally decided to see what we could do about ending this program. The program ended; and, unfortunately, there continued to be a decline in the production of wool and mohair in this country. That decline slowed, and since then we have had an increase in mohair prices.

There has been an 88 percent increase since 1995, yet we continue the subsidy. The subsidy for mohair is 40 cents, as opposed to a 20-cent subsidy for wool, despite the fact that we say we are trying to help the family farmer. Many more people are producing wool. They are in a much more dire situation, yet they get half the subsidy of those who produce mohair.

We still have the terrible imbalance that exists in this program between the average farmer who gets $44 and the top 1 percent that get over $100,000 each.

Mr. Chairman, I stand shoulder to shoulder with the chairman, who has done a terrific job on this bill, in saying that there are many areas that we have to step in and provide assistance to. But if we are standing here in 38 years, God willing, or 50 years, God willing, and we are debating the apple program, the tobacco program or the corn program, or any of the programs that may or may not be in this bill, and if we are still having the same problems as we had from 50 years ago, believe me, I would be the first to say we should eliminate that program.

Mr. Chairman, I urge Members to eliminate the wool and mohair subsidy, save our constituents 10 to 15 to $20 million; and even more important, end

a program that has long since proven itself to be ineffective. More importantly than that, show that we understand and have the ability to separate a program that truly does work from those that do not.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, we work in a funny place. It helps if one knows the facts; it really helps if one understands the facts. But if one neither knows nor understands the facts, it causes a great deal of confusion.

Mr. Chairman, let me talk about the ''Dear Colleague'' letter that went out. It says this subsidy began during World War II and the Korean War, and obviously it is no longer necessary because the military does not need this wool anymore. This is not the original program for the military in World War II. This is an economic disaster, market loss assistance program, which was put into place.

Our agricultural producers that raise sheep and mohair are suffering the same economic consequences as everybody else is in the agricultural industry; and to pick them out and say we are not going to help them, we are not going to have an assistance program for them and we are going to for everybody else is wrong. This is not the old program put into place during the war.

Mr. Chairman, the other part of the ''Dear Colleague'' says, ''The average farmer received $44 for this subsidy. The largest factory farms, representing 1 percent of all growers, received 25 percent of the subsidy.'' That is blatantly not true. There are no facts which support that. To support this, the largest producer would have to raise 62,000 sheep. There are no producers that large.

□ 1630

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

If I can just address the remarks of the previous speaker who was not here earlier, that is exactly my point, that the program that we had since 1938 has evolved so many times; yet we continue to find another justification for it. We say, well, it was because we needed the uniforms; well, now we need an emergency in the 1990s; well, now it is to compete with foreign competitors; well, now it is to make up for the loss in the strength of the dollar.

The fact remains that that is the definition of a program that ain't working. If you have a program since 1938, if you keep changing the name and changing the justification and still the facts remain the same, that the decline in the industry domestically has been unfettered by these programs. In fact, I earlier read a statistic that I will repeat for the gentleman, that the year that the program went out of effect for 2 years, the industry did better. It did better. The losses were smaller in 1997 than they were in 1996 in both wool and mohair.

If you want to find a program that works, you say, here is what the subsidy did. I defy anyone in this Chamber to point to me a success story from this program. Tell me one year that this program has been in effect that there is a single farmer that got $44 on the average, a single farmer that said, oh, I got my 44 bucks.

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

Mr. WEINER. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I would like to know where he got the average of $44 per farmer, because we cannot find anywhere where that information comes from. In fact, it comes to about $800 per farmer from our information. And the information that he suggests that 1 percent of those sheep producers got 25 percent of the payments is just blatantly false.

Mr. WEINER. I will be glad, reclaiming my time, to give the gentleman the source for that. That was the 1993 National Performance Review performed by the office of Vice President Gore, which was the rationale for a bill that came to this floor providing for greater efficiency in government that ended this program.

Mr. SIMPSON. So these are decade-old figures that he is quoting to us, 8 years, from 1993?

Mr. WEINER. I have been quoting numbers out the yingyang today, but which one is the gentleman referring to?

Mr. SIMPSON. Any ones that he understands.

Mr. WEINER. That should narrow it down.

No, anything after 1993 obviously did not come from that study. Anything after 1993 came from the Agricultural Statistical Service, sir.

Mr. SIMPSON. That is interesting because they did not have any information for us.

Mr. WEINER. I will be glad to provide it for the gentleman. But one thing, and I would yield to anyone, since I have a couple of moments left, anyone that can point to a year the subsidy was in place that it did anything to reverse the trend. The trend has been consistent right along. The only time there has been a blip in the trend was 1997 and 1998 when the program was phased out momentarily. Then the losses were reduced. They did not gain, but the losses were reduced.

So the argument for a program is not simply that I came up with a new rationale for it. I could do that for any program. The argument has to be, here is how it worked. And we have not seen any demonstration that it has worked.

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

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. STENHOLM), the ranking member on the Committee on Agriculture, a hero to agriculture, and someone who is going to tie all this up in a little package for us at the conclusion of this debate.

The CHAIRMAN. The gentleman from Texas is recognized for 12 minutes.

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

In light of the last exchange, I am often reminded but never more so than this afternoon on this amendment of the late Will Rogers' quote when he said, ''It ain't people's ignorance that bothers me so much, it's them knowing so much that ain't so is the problem.''

That is the problem with this amendment. The gentleman from New York and the gentleman from California are still attacking a program that was eliminated in 1994. They keep referring and all of these letters that we get from various groups keep talking about the wool and mohair program like it is still here. It was eliminated in 1994. Even the money the gentleman is talking about for striking is not even in the bill we are discussing today. It is in the emergency bill that passed the House Committee on Agriculture and this body to provide assistance to wool and mohair producers.

Now, this gentleman stood on this floor in 1994 and opposed the elimination of the wool and mohair program because we believed it would do damage to an industry that we did not believe was ready to be eliminated because of unfair foreign competition. We lost. I lost. The gentleman from New York and the gentleman from California won that amendment. We predicted the demise of the wool and mohair industry. And, guess what? Here in 2001, we have 25,000 less wool producers in the United States. They are gone. The gentleman from New York said there is no supply reduction. I would guarantee you there has been a supply reduction. Production has gone down in the United States; 25,000 producers are gone. We have eliminated 70 percent of the mohair producers. They are gone, thanks to the philosophy of the gentleman from New York.

Now, we might say, Well, that is the way it should be. Well, in April of 1999, the United States International Trade Commission determined that the domestic lamb industry suffered from extremely low prices and a flood of imports which constitutes a substantial cause of threat of serious injury to the domestic lamb industry.

In July of 1999 because of the commission's finding, President Clinton issued Presidential Proclamation 7208 establishing a tariff rate quota on lamb meat for a 3-year adjustment period. The 3-year adjustment period was established so the domestic sheep industry could recover from unfair trade. Unfair trade.

Now, we have accomplished what this body wanted to accomplish with the elimination of the wool and mohair program. It is gone. Now what some of us are interested in doing is trying to

assist those wool and mohair producers that believe that they can compete in the international marketplace if their government would stand shoulder to shoulder with them as just this year the European Union will spend $2 billion, that is with a B, subsidizing their wool industry.

Now, I would ask anyone in this body that represents any interest, whether it be agricultural, airplanes, anything that you are manufacturing in this country, if your competitor is spending $2 billion and we are spending $16.9 million, why is that excessive? What is it that we are doing that has brought this amendment to the floor today to suggest that by trying to stand with an industry that is trying to survive in the marketplace, in the marketplace now, not with subsidies. The old program cost $200 million a year. We are providing $16.9 million, exactly like we are doing for apples, for cotton, for wheat. That is all that is being done. Not in this bill, but in some other bill. Since 1999, depressed wool prices. In 1995 wool was selling for $1 a pound. Today it is 33 cents a pound. That is in constant dollars. Real dollars. Yet you stand on the floor today and say there has been no market reaction, that somehow we are doing something that is unfairly subsidizing the wool producers? Come on.

We have a letter from the American Textile Manufacturers Institute saying, ''Please do not be misled into thinking that the money for wool and mohair producers is actually a continuation or revival of funding provided by the Wool Act which Congress eliminated in the 1990s.''

That is the truth. The gentleman from New York and the gentleman from California have taken some other individuals who have no knowledge whatsoever of the industry and have suggested that somehow we are putting the wool and mohair back into place. All we are trying to do, in another bill, at another time, in another place, is saying to those wool and mohair producers who have survived the elimination of the Wool and Mohair Act that we want to stand shoulder to shoulder with you and we want to give you a little assistance, and it is a very little assistance, and we are struggling now in the Committee on Agriculture to come up with a program that will hopefully give them the opportunity to compete in the marketplace, as the gentleman from New York's rhetoric has suggested; but his facts are so far off base that I know the gentleman did not mean to misstate to this House what he has stated over and over again today. But I believe he has been misled.

For that reason, I state the Weiner-Royce amendment is misguided, inconsistent with the commission's findings, the commission's findings, not the House Committee on Agriculture. The International Trade Commission in looking at the results of the elimination of the wool and mohair program suggested that we ought to do something to stand with our producers, and we have been doing that and the Committee on Agriculture and others who have a little more knowledge about the industry, and I say this respectfully because I know the gentleman did not mean to misstate.

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

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I appreciate the gentleman yielding. I have questions for the gentleman because he is much more expert at this than I am. But the statistics on the production of wool bear out certain trends; and one is that during the years that the previous, using his words, the previous wool and mohair subsidy, although was identical but for all intents and purposes we are paying farmers based on how much wool and mohair they shear, a certain amount, go warehouse it or sell it, is there anything in the trend to show that the years that the subsidy was in place were good for farmers or better than anything in the period that it was out of place?

Mr. STENHOLM. I take my time back. There he goes again. He keeps referring to the old program. It is gone. I am not standing here today defending the wool and mohair program of 1994. I fought for that then. I believed it was in the best interest. We lost. We lost. It is gone. He keeps talking about what used to be. I am talking about what is. And what is today is a $16.9 million program that is designed to help those who have survived. Twenty-five thousand wool producers are gone, out of business, eliminated. Seventy percent of our mohair producers are gone, eliminated, financially.

Mr. WEINER. If the gentleman would indulge me then in his experience with the last program. We had a subsidy that he supported. He said earlier in his statement that as a result of the victors in eliminating the program, there has been a dramatic decline. Is that borne out anywhere in the statistics?

Mr. STENHOLM. Sure it is. Absolutely. I reclaim my time. Twenty-five thousand less wool producers. The gentleman is not listening. In 1995, we had 5,000 mohair producers. In the year 2001, we had 1,400. That is a 70 percent reduction. They are gone.

Mr. WEINER. Unfortunately, the problem with that reasoning is that they hemorrhaged worse during the last wool and mohair subsidy program.

Mr. STENHOLM. Wrong.

Mr. WEINER. I can provide the gentleman with the numbers, of the number of sheep and goats being farmed in this country. 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999 we lost during every one of those years. But we lost less during the years there was no subsidy, irrespective of whether it is wool and mohair 1, 2, 3 or 5.

Mr. STENHOLM. Again I reclaim my time because the gentleman is stating something that is completely erroneous.

I conclude my remarks to my colleagues today by saying, please oppose this amendment. It should not even be on this bill. The money he is talking about is in the other bill. That is where we ought to be discussing this. But when you start looking at what we are trying to do, and we will have plenty to say about that when the farm bill comes up, what we are trying to do with the money he is trying to eliminate is to stand and give a helping hand to the remaining wool and mohair producers, trying to come up with some new ideas in the marketplace in which we can survive.

The gentleman from New York would just say, Adios. We don't give a rip about that. We just think you ought to compete in the international marketplace. I ask you again: How could any wool producer in the United States with $16.9 million total support that the Congress is giving them compete with the European Union that is putting in $2 billion?

Let us talk about Australia. He poohpoohed a minute ago the idea that the value of dollar and currency values had anything to do with this. The Australians have an advantage in cotton and in wool of 50 percent because the value of the Australian dollar is 50 percent of the United States dollar.

I ask you a simple question: if you are selling wool, and we are selling it for 33 cents today, way below what it costs to produce. The Australians are getting twice that much, 66 cents, just the value of their currency. That to me is a justification for the expenditure of $16.9 million of our taxpayer money attempting to help our wool producers, exactly like we are doing it for apples and exactly like we are doing it for wheat and corn and soybeans and rice and all of the other commodities.

That is why I ask and I commend the chairman of the committee and others who have participated today, I believe that this is clearly an amendment that needs to be soundly defeated and let us get on with the passing of this bill that the committee has worked so diligently on.

The CHAIRMAN pro tempore (Mr. CHABOT). The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. ROYCE

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. ROYCE:

Insert before the short title the following new section:

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

The CHAIRMAN pro tempore. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, in a true market economy, advertising is a function of the private sector. It should not be in the public sphere. The public in my view should not be forced to subsidize corporations.

□ 1645

This is a philosophical point but it goes to the question of this Market Access Program. Let me make the point that the Market Access Program is a leftover product of two previously failed USDA programs. One was the market promotion program and then the targeted export assistance program, both of which we debated on this floor, both of which we tried to reform.

Basically, the Market Access Program funnels tax dollars to corporate trade associations and to cooperatives to advertise private products overseas. While proponents of the program claim that the Market Access Program boost its exports and creates jobs, there is no evidence to support that. As a matter of fact, the General Accounting Office studies indicate that this program has no discernible effect on U.S. agricultural exports.

I believe the private sector knows how to advertise. It does not need government interference. I think that taxpayer dollars merely replace money that would be spent by private companies on their own advertising, and provisions in the 1996 farm bill have attempted to reform MAP but thus far have failed. Although the percentage of large companies that get this MAP money has decreased, a number of large corporations still receive millions indirectly through trade associations.

In the last 10 years, America's taxpayers basically paid out $1.5 billion for this particular subsidy. I think the American people would agree that their money would be better spent if this was relegated back to the private sector.

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

The CHAIRMAN pro tempore (Mr. SIMPSON). Does the gentleman from Texas (Mr. BONILLA) claim the time in opposition?

Mr. BONILLA. Mr. Chairman, yes.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. BONILLA) is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in opposition to the Royce amendment. I think that the proof is in the pudding, and the pudding is in the trade accounts of the United States, which show that in spite of an unbelievably large trade deficit in almost every other sector, in the agricultural arena we have been able to keep our nose above water barely, because we have exported more than we have imported. With dropping prices for product and so forth, we have managed to double some exports. In specialty areas, whether we are talking about fish or packaged juices, we have been able to keep moving product outside this country. That takes effort. The Market Access Program helps.

With changes made in prior farm bills, we have limited those who can apply for assistance in order to move product into the international market; but my goodness I would not want to stand on this floor and oppose a program that has helped America maintain positive trade accounts in agriculture internationally when every other single account in petroleum and imported oil products, in manufactured goods, in electrical equipment, no matter where one goes in the trade accounts, the United States has historic trade deficits but for agriculture. Though the going is getting rougher in international waters in terms of trade, my goodness, this would be the last program one would want to eliminate in terms of helping both farmers in this country move product and in maintaining and turning around that yawning trade deficit which is a very serious underbelly inside this economy. So I rise in opposition to the Royce amendment.

Mr. ROYCE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank the gentleman from California (Mr. ROYCE) for yielding me this time.

Mr. Chairman, I rise in strong support of the Royce amendment, and I commend the gentleman from California (Mr. ROYCE) for his hard work on this issue.

Mr. Chairman, this is one of the most egregious examples of taxpayer subsidized corporate welfare, the MAP program. Hardworking taxpayers should not have to subsidize the advertising costs of America's private corporations. Yet that is exactly what the MAP program does.

Since 1986, the Federal Government has extracted nearly $2 billion from the pockets of American taxpayers and handed it over to multimillion dollar corporations and cooperatives to subsidize their marketing programs in foreign countries.

When Congress, back in 1996, in the farm bill required MAP funds to be limited to farmer cooperatives and trade associations, proponents argued that the MAP funds would only be used to help small businesses and farmers. In fact, much of the funding went to large trade associations made up of some of the largest and most profitable corporations.

Mr. Chairman, Congress should end the practice of wasting tax dollars on special-interest spending programs and unfairly take money from hard working families to help profitable private companies pad their bottom line. MAP is a massive corporate welfare program that we should eliminate today.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I would say to my colleagues, wake up, wake up and smell the coffee. How do we know the coffee is brewing? How do we know that there are French and Italian wines at the market? The answer is because these countries that grow these products also advertise these products in our country.

They want us to buy agriculture in other countries. That is why we see oranges from South America being advertised in the United States, coffee from Colombia, wine from France and Italy and so on; and yet when it comes to our own agriculture, the most abundant agriculture in the world, where we grow more than we can consume and where we actually grow products for other countries, we should not be allowed to be on a competitive field where everybody has a fair chance by small matching money that the private sector has to put up and match by the Federal Government?

The Federal Government spends $3.187 billion on advertising and recruiting for the military. Our States advertise for tourism. Let us also advertise for agriculture.

Mr. ROYCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I appreciate the opportunity to speak once again on the MAP program. One of the arguments that was made by my colleague from California is that, well, other countries are in a position that they can do this advertising and it has been advantageous to them. The fact of the matter is that our consumer marketplace encourages that type of advertisement to go on of our products that are here made domestically in the United States, irrespective of what is going on in Chile or what is going on in France. I do not believe that the United States taxpayer should be subsidizing these advertising programs because, in fact, what winds up happening is that much of this advertising, I would argue all of it that is subsidized by the MAP program, would go on anyway because of the decisions made by the industry; that it is in their interest to encourage this type of development.

The MAP program is another example of a program where I do not see it is very easy for us to point to demonstrated areas where the advertising has led to any more farmers, any more

ranchers, any more production or sales. I am firmly of the belief, and perhaps I am wrong on an economic level, that if the U.S. Government leaves this field it would quickly be occupied.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment. I would just like to make a couple of points. Number one, these funds are not available to large international corporations. These funds are matched by people like the corn growers, the beef producers, the pork producers, people who care about their product and want to promote their products overseas so that we can expand our exports for the American farmers.

There is a prohibition from these corporations who are making corporate welfare out of this. These programs are absolutely essential for the future in agriculture so that we can add value to American agriculture, so that we can go out into the world marketplace and talk about the quality and the supply of good American food products.

If anything, Mr. Chairman, we should be increasing these funds. We should be proud of what we stand for in agriculture. We should stand up and say to our American farmers that they do have the best products in the world and we want to go tell the world about it. That is what we need to do is to protect this program. It is not large enough as it is.

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

Mr. Chairman, I would just point out that, according to the General Accounting Office studies, there is no evidence that MAP increases exports or increases jobs. Any increase cited and attributed to the Market Access Program would have occurred whether MAP existed or not.

The private sector, I would also point out, knows better to whom to advertise and how to advertise and can do it more efficiently. I think that government hand-outs merely replace money that would be spent by private companies on their own advertising.

The last point I would like to make is MAP, in some cases, uses tax money derived from the competitors of these MAP recipients. So I would urge adoption.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BOYD), a member of the subcommittee.

Mr. BOYD. Mr. Chairman, I thank the gentleman from Texas (Mr. BONILLA) for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from California (Mr. ROYCE). Mr. Chairman, as we continue to open our borders and expand trade, we continue to put our own small producers at a disadvantage because of the increased pressure from other countries that are heavily subsidizing.

This is one program, one program, that is really working well to enable some of our smaller producers and processors to gain access in the foreign markets.

Now, the gentleman from California talked about the GAO study but I want to say, Mr. Chairman, the GAO study did not go to Florida where we have used the program very successfully in the citrus and grapefruit industry. We do a 100 percent match of the Federal funds and since the inception of this program we have increased the grapefruit exports from $40 million to $190 million.

I strongly suggest that we vote down this amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, there seems to be an annual debate on this amendment so I will make my remarks brief. We are going to rehash what the benefits of this are very quickly.

I want to point out the positive aspects of the Market Access Program. Each year $90 million is spent out of the Commodity Credit Corporation on MAP to help initiate and expand sales of U.S. agricultural, fish, and forest products overseas. Rural American farmers and ranchers, as the primary suppliers of commodities, benefit from MAP. All regions of the country benefit from the program's employment and economic effects from expanded agricultural exports markets.

In 2000, agricultural exports totalled nearly $51 billion and that generated almost three-quarters of a million jobs. About half a million jobs out of that total were also related to other areas like processing, packaging, storing and financing of exports.

Mr. Chairman, agricultural exports are expected to increase by another $2 billion this year to $53 billion. More than 1 million Americans now have jobs that depend on U.S. agricultural exports. This program goes a long way toward making sure that we have these export markets. I strongly oppose this amendment.

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

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

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

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

AMENDMENT NO. 11 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 before the short title at the end the following new section:

SEC. ____. In addition to amounts otherwise appropriated or made available by this Act, $500,000,000 is appropriated to the Secretary of Agriculture to carry out and support (utilizing existing authorities of the Secretary and subject to the terms and conditions applicable to those authorities) research, technical assistance, loan, and grant programs regarding the development of biofuels (including ethanol, biodiesel, and other forms of biomass-derived fuels), the production of such biofuels, the establishment of farmer-held reserves of fuel stocks, and demonstration projects regarding such biofuels, as part of a Biofuels and Biomass Energy Independence effort and to augment the President's National Energy Policy: *Provided*, That the entire amount shall be available only to the extent an official budget request for $500,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

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

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 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, I wanted to especially thank my dear colleagues, the gentleman from Maryland (Mr. HOYER) and the gentleman from Illinois (Mr. DAVIS), for reserving time this afternoon and checking in as this debate ensued on the floor in order to be able to join me in this debate.

Let me say that our amendment proposes that as a part of our national energy strategy that biofuels and bioenergy be more than an afterthought but, in fact, be a central pillar of helping America reach a renewable energy future.

□ 1700

If you look at America's trade accounts, our chief strategic vulnerability relates to imported fuels. We are willing to go to war, to send our young men and women to war, for oil, but we are not willing to invest the dollars here at home to propel ourselves into a more energy self-sufficient future.

When the President of the United States and new Vice President produced a national energy report with solutions for the future, there was one gaping hole: Not a single recommendation relates to renewables and the use of biofuels, what we can take off our fields and forests, in order to have ethanol, biodiesel, and other such fuels made a part of America's energy future.

We declare an emergency, we set aside $500 million, and we say that

biofuels are as important as natural gas, they are as important as petroleum, they are as important as any other fuel, whether it is windmills or turbines or whatever, in order to put America on a sound energy footing. We want to make sure that our message is heard loudly and clearly.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. HOYER), who has experience in this area, and again I express gratitude for his coming to the floor.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for her amendment, and I thank her for her comments and her hard work on this committee and on so many other areas. She has touched on a critically important issue to our country.

Mr. Chairman, I rise in support of the gentlewoman's amendment to provide half a billion dollars in emergency spending on biodiesel, ethanol and biomass research and development.

Mr. Chairman, since 1999, the Beltsville Agricultural Research Center, which is located in my district, has been conducting a pilot project using biodiesel. At BARC they use 80 percent diesel and 20 percent soybean oil mix. Their test results found that using biodiesel reduces carbon dioxide emissions 16 percent; particulate matter, which is a major component of smog, 22 percent; and sulfur emissions, 20 percent.

Equally important to the environmental benefits of these fuels is the fact that their use, as has been so well articulated by the gentlewoman from Ohio, lessens our dependence on foreign oil and opens up new markets for our farmers. So, from every perspective, this is a very positive direction for our country to move, and I thank the gentlewoman for her leadership.

Ms. KAPTUR. Mr. Chairman, I yield 1¼ minutes to the gentleman from Illinois (Mr. DAVIS), who has waited all afternoon in order to make these comments. I thank the gentleman sincerely.

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of the Kaptur amendment.

To say that we have an energy crisis is an understatement, but the State of Illinois stands ready to help find a solution. The State of Illinois is a major producer of corn, which, when used in the development of ethanol, makes good sense. This amendment makes good economic sense, environmental sense and common sense.

Ethanol is an additive which, when used in gasoline, produces cleaner and more efficient energy. To help this country to become more energy-efficient, we can and should employ greater use of ethanol. Ethanol makes us more energy-efficient, more self-reliant and environmentally protected. It is a good amendment, Mr. Chairman, and I urge its adoption.

Mr. Chairman, I thank the gentlewoman from Ohio for introducing this amendment.

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

Mr. Chairman, in closing this afternoon, let me say that oil ministers of the Middle East should not be put in charge of setting energy prices in the United States of America. We should have that control inside of our border.

This amendment would merely replace one one-hundredth of the nearly $70 billion that we send to the Middle East oil ministers every year for petroleum imported here, and replace it with investments we make in ourselves for the future. It gives the Secretary of Agriculture very flexible authority in order to spend these dollars in order to make agriculture an equal pillar along with other old fossil fuels.

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

Mr. BONILLA. I continue to reserve the point of order.

Mr. Chairman, I would like to inquire if the gentlewoman is going to withdraw her amendment?

Ms. KAPTUR. Mr. Chairman, if the gentleman will yield, I would say to the chairman of our subcommittee, very reluctantly, very, very, very reluctantly, very, very, very, very reluctantly, I am going to be forced, because of the rules, to withdraw my amendment to put America on a more renewable energy future. But I would hope that our words today have been heard at the U.S. Department of Agriculture. I appreciate the chairman for his indulgence, and I would hope that wisdom will prevail in the days and months ahead.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

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 title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. Of the amounts appropriated in this Act in the item relating to ''DEPARTMENT OF HEALTH AND HUMAN SERVICES–FOOD AND DRUG ADMINISTRATION–SALARIES AND EXPENSES'', the amount appropriated in the second undesignated paragraph of such item (relating to section 804 of the Federal, Food, Drug, and Cosmetic Act) is transferred and made available as an additional appropriation under the first undesignated paragraph of such item.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 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, we have witnessed a great debate today about the importation and reimportation of prescription drugs. Yesterday Secretary Thompson finally rendered his decision regarding the fate of the reimportation provision attached to the fiscal year 2001 agriculture appropriation bill. My amendment takes the $2.95 million designated in this bill for costs associated with the reimportation provision and would transfer the funds back to the Food and Drug Administration general account.

Clearly, in the wake of the Secretary's decision, the Agency no longer needs the funds for the purposes of reimportation, and my amendment would simply keep those funds within the Agency so they are not penalized to be used for program priorities at the Agency's discretion within such accounts as the prevention of BSE, TSE, mad cow disease and hoof and mouth disease, many of the challenges that are facing our country today.

Given its tremendous responsibilities and challenges, FDA needs every resource available to keep our food and drug supply safe. I encourage the membership to vote yes to keep these funds within the Agency.

Mr. BONILLA. Mr. Chairman, I rise in strong support of this amendment, and ask unanimous consent to control the time in opposition.

The CHAIRMAN. Without objection, the gentleman will be recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, I want to commend the gentlewoman for finding these funds at the eleventh hour. Hopefully these funds will be put to good use, as the gentlewoman is pointing out. So I commend her good work on this amendment and would be delighted to support it.

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

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

Mr. Chairman, I thank the chairman very much. It has been a pleasure to work with the gentleman on this bill. We are proceeding expeditiously, in view of the large number of amendments. I am deeply grateful for the gentleman's support.

Mr. Chairman, 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 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 title VII, insert after the last section (preceding any short title) the following section:

SEC. 7____. Of the amounts appropriated in this Act for carrying out the responsibilities of the Food and Drug Administration with respect to abbreviated applications for the approval of new drugs under section 505(j) of the Federal Food, Drug, and Cosmetic Act,

$1,000,000 is available for the purpose of carrying out section 314.53(b) of title 21, Code of Federal Regulations, in addition to any other allocation for carrying out such section 314.53(b) made from amounts appropriated in this Act for the Food and Drug Administration.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 10 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, I would like to start with what the Brown-Emerson amendment does not do: It does not legislate on an appropriations bill; it does not spend extra dollars; it does not reduce legitimate patent protection for brand-name drugs; and, most importantly, it does not permit FDA to continue to squander billions in consumer savings, making excuses instead of making the brand-name drug industry abide by Federal law.

Under FDA laws and regulations, a generic must certify it is not infringing on patents that are directly related to a brand-name drug as approved by FDA. Remember the phrase ''as approved by FDA.'' It is important.

If a generic drug company is sued for potentially infringing on these type of patents, FDA automatically suspends approval of the generic for 30 months. Because the drug industry knows that FDA does not actually enforce its regulations, I repeat, because the drug industry knows that FDA does not actually enforce these regulations and weed out patents that under no circumstances should trigger that 30-month delay, drug companies therefore are conjuring up patents that by no stretch of the imagination fit any FDA criteria, just to trigger the 30-month delay, just to enjoy 30 months more of profits, patents on unapproved formulations of the drug, patents on unapproved uses of the drugs, patents on the shape of the pills, patents on the grooves in the pills, patents even on the bottle holding the pills. Each of these patents, when challenged, triggers the 30-month delay.

These totally unnecessary delays cost consumers billions of dollars in lost savings, while the brand-name companies reap those same billions in additional profits.

Seven years ago CBO estimated that generics save consumers $8 billion to $10 billion per year. Utilization and prices have both increased dramatically since 1994. So have the potential savings associated with generic drugs.

Take Prilosec, for example. Prilosec generates $283 million per month in sales. Astra Zeneca has filed several unapproved use patents on Prilosec, each of which could trigger a 30-month delay in generic competition, even though under FDA regulations only patents on the approved use of a brand name should trigger the 30-month delay.

Remember, generics save consumers, save employer-sponsored plans, save all levels of government 40 to 80 percent over the brand-name price. After a few years, the price differential sometimes grows to 90 percent. Over the next 10 years, brand-name drugs with sales topping $40 billion annually will reach the end of their patent life. If we do not do something to prevent drug companies from gaming the system to extend their lock on the market to make their patents grow, if you will, we are perpetuating needlessly inflated drug prices. I do not want to do that to the consumers in my district.

Our amendment equips FDA to enforce its regulations and at least prevent the most blatant abuses of its 30-month delay provision and stop the gaming of the patent system by the name-brand drug manufacturers.

It permits the Agency, it permits the Agency, to use up to $1 million to get its act together to enforce its laws, to stop brand-name drug companies from walking all over the Agency, and, more importantly, walking all over the public.

We have an opportunity today to help our constituents without changing a word of the existing FDA statute. I urge my colleagues to take advantage of that opportunity and vote for the Brown-Emerson amendment.

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

Mr. BONILLA. Mr. Chairman, I claim the time 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, I rise in lukewarm opposition to this amendment. This concept sounds like a good one, and possibly there are some abuses that are occurring. All of us should be concerned about that. However, I have also got some concerns about finding the proper way to fix this problem. The FDA is not exactly the right solution.

FDA prints a so-called ''Orange Book'' listing innovator drugs and the patents that protect them. FDA's role is purely administrative. The Agency does not evaluate the patents themselves. Ruling on patent rights is a job for the courts, not the FDA.

FDA does not have the proper authority or expertise to evaluate patents. We have got a Patent Office for that. Taking $1 million from generic drug review to referee patent disputes seems to defeat the purpose. Why would the sponsor seek to increase drug review times?

Again, I must oppose the amendment, reluctantly so, and ask my colleagues to do the same.

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

Mr. BROWN of Ohio. Mr. Chairman, I want to reiterate that these are FDA regulations that FDA claims it cannot enforce. It is not doing its job. This $1 million will help it do its job.

Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. ALLEN).

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

Mr. Chairman, I rise in support of this amendment because it would equip the FDA to prevent blatant patent abuses. This amendment does not open up Waxman-Hatch, cut into patent protection, legislate on an appropriations bill or spend new money. What this amendment does is to enable the FDA to exercise the existing authority to prevent blatant patent abuses under the Waxman-Hatch Act.

Today, some drug companies attach unrelated patents to approved drugs and then sue companies that want to produce a generic equivalent for patent infringement. As the gentleman from Ohio (Mr. BROWN) indicated, this can produce a 30-month delay in generic drug approvals and result in substantial delays in consumer access to generic drugs.

Mr. Chairman, let me point out, the FDA has the authority to prevent these blatant abuses right now. What they need is $1 million through the Office of Generic Drugs in order to enforce this agreement and ensure that patents are not inappropriately listed.

□ 1715

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Mrs. EMERSON), who has been a real leader in the fight to keep prescription drug prices down.

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the Brown-Emerson amendment, which will help FDA exercise its existing authority to prevent blatant patent-listing abuses under the Hatch-Waxman Act.

As many people may know, since the passage of Hatch-Waxman, brand-name pharmaceutical companies have really become quite proficient in manipulating the law to keep generic alternatives from reaching the market. I do not think that the authors of this law would want that to be happening today.

Just, for example, one of the brand industry's favorite and most frequently used methods to delay generic competition is to make insignificant changes to their products and secure new patents just as the patent on the original product is set to expire. Under current law, once such new patents are granted by the Patent Office, no matter how frivolous or invalid they may be, the generic drug is prohibited from going to market for 30 months.

In one instance a brand-name company triggered the 30-month prohibition and delayed generic competition by patenting the color of the bottle, the color of the bottle in which the pharmaceuticals are typically dispensed. In another example, a brand company was able to delay generic competition by claiming the generic version infringed on the brand patent

because, like the brand, the generic pill had two grooves in it.

These types of delay tactics cost our constituents billions of dollars every year. For example, Bristol-Myers Squibb listed a frivolous patent with the FDA on the eve of its patent expiration for the drug BuSpar. After months of delay, a Federal court ruled that the patent was improperly listed and ordered Bristol to delist its patent with the FDA. So the cost to consumers for this 5-month delay was $57 million.

The situation is getting so out of hand that on May 16 of this year, the Federal Trade Commission had to send a citizens' petition to the FDA questioning the possible improper or untimely listing of patents by brand-name drug companies.

Mr. Chairman, our amendment is very simple. It would reallocate already-appropriated FDA funds in the amount of $1 million to the FDA's generic drug office. The money would allow the FDA to use its authority to review and prevent the abuse of patent listings by drug companies who want to extend the patent laws of their blockbuster drugs. This amendment does not add any additional money, no additional money. All it does is reallocate already-appropriated money.

Let us all make sure that the FDA devotes the resources necessary to prevent the exploitation of patent listings, because each 30-month delay of generic drugs costs consumers billions of dollars in lost savings.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. BROWN).

Mr. Chairman, the problem right now is that brand-name drug companies have been attaching unrelated patents on to existing drug patents. They are required to list patents of drugs that directly relate to existing patents. However, one of the brand-name industry's tactics for extending patents is to stack a list of patents that simply relate to and do not directly affect existing patents.

As the brand-name industry engages in this so-called ''patent stacking,'' unfortunately generic drug approvals are automatically basically tagged with a 30-month delay, and this delays consumer access to necessary prescription drugs and further delays the process from making prescription drugs more affordable.

The FDA currently has the authority to ensure that only patents in compliance stay on the books, and this amendment helps the FDA Office of Generic Drugs use its $1 million in increased funding to exercise this authority and remove barriers to generic competition.

Mr. Chairman, numerous pharmaceutical companies have listed patents for unapproved uses and inappropriate forms of the drug. I am not going to get into all the examples, but this adds up to billions of dollars lost in consumer savings. We need to pass this amendment.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN), the author of the Waxman-Hatch bill.

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

Look, when we adopted the law, we wanted to balance generic drugs, brand-name drugs; and if a generic went in to FDA, FDA is supposed to evaluate whether they are violating a patent. But some of these patents are frivolous patents, and all the Brown amendment seeks to do is to give FDA more funds so that they can figure out how to find out whether a patent is frivolous or real. Why should consumers have to pay higher prices for drugs and not allow competition with a generic availability because of a frivolous patent?

So I strongly support this amendment, and I urge all Members to support this very well-though-out, clear, and helpful, constructive amendment.

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

Mr. BONILLA. Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I would like to support this amendment because of the intent behind the amendment. The gentleman from California (Mr. WAXMAN) and others, including the gentlewoman from Missouri (Mrs. EMERSON), are correct in terms of problems, or at least perceived problems insofar as FDA approving generics or enlisting the patents of generics, but we are talking here about reallocating needed funds.

Just a few days ago, the gentleman from Ohio (Mr. Brown) offered an amendment to increase the funds for FDA use towards approval of generic drugs by $2.5 million. I supported that amendment. It passed this House, if I remember correctly. Now, the point is, we are now in effect saying we are going to take $1 million out of that $2.5 million, or at least out of the amount that FDA ordinarily would use, towards approval of generic drugs and put it into something like this.

Now, I am quoting, ''which will help FDA do their job; delaying tactics, things of that nature.'' If, in fact, there are delaying tactics; if, in fact, the FDA is not doing its job, there are things that we can do. I do not think that throwing $1 million the FDA's way will encourage them to do the job that they are required to do. That is just not the answer to it at all.

The Brown amendment does not serve a legitimate purpose. It purports to provide the FDA's Office of Generic Drugs, as we have already said, with $1 million to ensure that patents are not inappropriately listed. The law requires, the FDA law, sections 505 and 506 make it clear that they will list these patents. It does not say anything about analyzing the patents. If they are not listed on a timely basis, if there is something inappropriate insofar as their listing is concerned, let us look into that through hearings, through discussions with the FDA and whatnot and do something about it, rather than just saying, we are going to give them $1 million, reallocating $1 million to say that this will ensure that you do the job you are required to do under the statute. Mr. Chairman, I think not.

The FDA has absolutely no authority under present law to judge the validity of patents. I say again, it has no authority to judge the validity of patents. Their function is purely ministerial. It gets the patent; it lists the patent. If it does not list the patent when they get the patent, by gosh, there is something wrong with that and it has to be taken care of. But they have no authority. They do not review patents. They are forbidden by the law from reviewing patents. I will not say that they are necessarily forbidden, but there is no language in the law that basically gives them that authority.

The Patent and the Trademark Office, as has been said by others, and the courts that judge patent validity say the FDA does not have the experts to do so and, basically, they do not have the authority to do so.

When Dr. Janet Woodcock, director for FDA's Center for Drug Evaluation was asked by, I believe, one of our colleagues who has already made a statement here, at the Committee on Energy and Commerce hearing whether the FDA had authority to review patents, she said no. She went on to say, when asked whether FDA should have the authority to do so, she said, and I quote her, ''If we were asked to do such a thing, I would have to say that it would significantly divert resources from the scientific review of generic drugs that we are currently undertaking.''

So if FDA were to get into the job of judging patent validity, they tell us, the people that do this job, that the agency would be subject to countless lawsuits. The $1 million provided for in the Brown amendment would be spent very, very quickly.

So we understand, and I have already admitted, that there are legitimate questions associated with additional patents being listed very late in a patent term. The gentleman from Ohio knows how I feel about generics. I bring them up all the time, and I am concerned about the fact that they are possibly not being approved on a more timely fashion.

This concerns us so much that just last month in the Committee on Energy and Commerce we held a hearing on this matter that I have already referred to. At this hearing we learned many things, including the fact that the FDA cannot, under the law, judge

the validity of patents. The Brown amendment does not do what the author says. I would hope that it would do, maybe if it passes, what the author says; but I do not feel that it does. It would not allow FDA to review patents; it merely would reallocate $1 million and say, hey, we trust you to use this $1 million to do a better job insofar as analyzing and listing patents. The FDA cannot do so under the law and they should not be able to do so, and for those reasons, unfortunately, I would ask my colleagues to vote ''no'' on the Brown amendment.

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 (Mr. BROWN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ALLEN

Mr. ALLEN. 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. ALLEN:

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

SEC. 7___. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

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

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Maine (Mr. ALLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 5 minutes.

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

I rise to offer an amendment with the gentleman from Ohio (Mr. BROWN) to provide American taxpayers with information about our collective investment in the research and development of new prescription drugs. The Food and Drug Administration should not approve, in our opinion, a new drug application unless the total cost of the research and development of that drug is available to the public. We are particularly interested in knowing how much money the taxpayers have contributed.

The pharmaceutical industry claims that efforts to make drugs affordable for seniors would reduce the industry's ability to conduct research and to develop new drugs. I disagree. This industry is the most profitable in the country. Their profits last year were more than $27 billion. The manufacturers will always be able to attract capital in order to do R&D.

□ 1730

The industry asserts that they have a right to charge high prices to those least able to afford it because of the $500 million, more or less, that they claim it takes to launch a new drug.

What the industry consistently fails to disclose is that new drugs are usually the result of a partnership with the public. A good portion of our Nation's pharmaceutical research is conducted by publicly-funded entities. We deserve to know how much.

The pharmaceutical industry says we do not deserve to know. They say this amendment is unjustified. I say there is no justification for the way America's seniors are currently treated. Seniors pay taxes which are used to fund research, but the product of that research, which saves lives, is too expensive for many of them to afford.

The drug manufacturers say no other industry has to disclose R&D figures. But no other industry gouges the needy as they do, or operates in such a shroud of secrecy.

We are not asking that the FDA make an approval decision based on the R&D data. We are not asking that trade secrets be made public. We are simply asking the FDA to inquire about the data on the cost of R&D and to make it available.

The industry has attacked this amendment. I can only assume they know their arguments about their R&D expenses will be undermined if the public is told how much of the cost of the development of new drugs is actually paid by the public.

We know that the taxpayer contribution to the development of innovative medicines is significant. NIH estimates that taxpayer-funded research, combined with private foundation-funded research, accounts for about 50 percent of all medical research in this country. Now we need to know the details, just how much public and private funding is involved in the development of new drugs.

We do not want to slow the approval of or access to new drugs, but there are too many patients who cannot afford the drugs, even if they are approved by the FDA. Proving a drug safe and effective can take years. Providing the cost of development should be easy. A memo to the FDA would do the job. I can assure the Members that the pharmaceutical industry is capable of tracking expenditures in their development of new drugs. I am confident that this Congress and this administration can find a way to implement this amendment successfully.

Because the cost of R&D is one of the most important components of our debate over prescription drug costs for the elderly and disabled, it is hard to believe that anyone could object to making basic information on those costs available to the public.

Millions of our seniors have paid taxes for decades and contributed to the development of new drugs. Now, in their retirement, they pay the highest prices in the world for those drugs. The pharmaceutical industry spends millions of dollars on TV ads about their miracle drugs, but does not want the public to know how much the public has contributed to those miracles. The public deserves to know. I urge passage of this amendment.

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

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

Mr. BONILLA. I would inquire, Mr. Chairman, if the gentleman is going to withdraw his amendment.

Mr. ALLEN. Mr. Chairman, I have one more speaker. I am not willing to withdraw the amendment.

Mr. BONILLA. Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 30 seconds, the balance of his time.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Prescription drug companies consistently depend on one argument and one argument only, to defend charging U.S. consumers two and three and four times higher prices in the U.S. than they do in other developed countries.

The one argument they use to justify grossly inflated drug prices is that those prices are necessary to sustain R&D. Yet, we know that American taxpayers fund almost half of all the R&D that is done in the drug industry development in this country.

It is an insult for the industry to ask American taxpayers to willingly pay the highest price in the world when they will not tell us what they spend when they are the most profitable industry in America, when they spend more money lobbying this institution than anybody else. They pay back American taxpayers by charging us more than anybody in the world.

I ask support for the Allen amendment.

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

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment. 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.'' The amendment imposes additional duties. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Maine (Mr. ALLEN) wish to speak on the point of order?

Mr. ALLEN. I simply await the ruling of the chair.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds this amendment imposes additional duties not required by existing law. Therefore, the amendment 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. OLVER

Mr. OLVER. 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. OLVER:
Strike section 726 of the bill.

The CHAIRMAN. Pursuant to the order of the House of Thursday, June 28, 2001, the gentleman from Massachusetts (Mr. OLVER) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, for the most part, this bill is an excellent bill.

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

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

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, just to inform the gentleman, we are just delighted to accept this amendment. If the gentleman would like to offer any more debate time, that is fine, but in the good spirit of trying to work in agreement here, I just want to let the gentleman know that we are prepared to accept the amendment and move it forward.

Mr. OLVER. Mr. Chairman, I thank the gentleman for his acceptance of the amendment. We do have several speakers who wish to speak on it.

Mr. Chairman, this is an excellent bill. I greatly respect the outstanding work of the chairman of the subcommittee, the gentleman from Texas (Mr. BONILLA), and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), but I rise to strike section 726, an anti-environmental rider which is meant to prevent any and all action to address the climate change caused by global warming.

Mr. Chairman, section 726 is equivalent to burying our heads in the sand, and hot sand, at that. Regardless of the fate of the Kyoto Protocol, there is overwhelming, peer-reviewed, sound scientific evidence for global warming. The National Academy of Sciences has very recently reaffirmed that fact.

Placing a gag order on Federal agencies can only stifle our ability to address what will be the most critical environmental issue of the 21st century at a time when carefully considered but comprehensive action is needed.

This old rider dates back to the Clinton administration when the majority believed, with good reason, that President Clinton would have acted to implement Kyoto. But President Bush has made it clear that he has no intention of implementing the Kyoto Protocol. He has declared the Kyoto Protocol dead, dead. So, at the very least, the rider is unnecessary, and resuscitating it shows a lack of trust in the President's intentions and in the President's word, which I am sure the majority does not mean to do.

So why has the rider appeared? Because it has been used to badger agencies and demand repeated explanations of environmental activities. The Inspector General was recently forced to investigate alleged violations by the EPA, the Department of Energy, and the State Department, and found no instances of violations. It is the President of the United States who will not implement Kyoto, who runs the executive departments.

This rider jeopardizes the executive agency work on every issue related to climate change, which the U.S. is obligated to address as part of the United Nations Framework Convention on Climate Change. Remember, the U.N. Framework Convention on Climate Change was proposed for ratification by then President George Herbert Walker Bush in September of 1992, was ratified by the Senate in October of 1992, and took force in 1994.

It states that, and I quote, ''The parties to the convention are to implement policies with the aim of returning to their 1990 levels of anthropogenic emissions of carbon dioxide and other greenhouse gases.''

Mr. Chairman, the consequences of global warming will not be mild. If we do not begin to act soon, it may be too late to preserve our coastlines and our agriculture. The American public wants this Congress and this administration to find a way to address global warming.

How we do that is not the subject of today's debate. This vote has nothing to do with implementing or even liking the Kyoto Protocol. But a yes vote to remove this ill-conceived and unneeded rider allows our agencies to search for ways and measures authorized by the already-ratified U.N. framework to begin addressing greenhouse gases.

I urge a yes vote on the Gilchrest-Olver amendment.

Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science, who is showing every day great leadership on this issue of climate change.

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

Mr. BOEHLERT. Mr. Chairman, I will spare my colleagues all the arguments against the language in the bill and in support of the Olver-Gilchrest language.

But in the spirit of the subcommittee chairman, who has acknowledged his willingness to accept that, I want to applaud that action, because I think for years now the language this amendment would strike has been used to hound Federal agencies that try to address climate change. It was used to harass agencies who sent government officials to international climate change meetings, and it has been used in attempts to thwart voluntary agreements, voluntary agreements, with industries that offered to cut their greenhouse gas emissions.

Yet, both President Bushes, 41 and 43, acknowledged that climate change is a serious problem. In fact, President George Herbert Walker Bush even signed an international agreement to reduce U.S. emissions of greenhouse gases, and that treaty was ratified by the U.S. Senate.

Despite its misgivings about the Kyoto Protocol, this administration too has acknowledged the seriousness of climate change. As many know, after receiving last month the report he requested from the National Academy of Sciences, a report that underscored yet again the scientific consensus that exists on climate change, President Bush pledged that the U.S. will take a leadership role to address it.

I, for one, want to help him do that. I want the U.S. to take the lead on dealing with climate change responsibility, and the obstructionist language in this bill does not help do that.

So I want to commend the gentleman from Massachusetts (Mr. OLVER) and I want to commend the gentleman from Maryland (Mr. GILCHREST) for their steadfast support of reasonableness as we shape public policy, and I want to extend to the subcommittee chairman, the gentleman from Texas (Mr. BONILLA), my appreciation for his cooperation.

Mr. Chairman, I rise today, in support of the Olver-Gilchrest amendment, but frankly, I'm disappointed that we have to have this debate at all. I am disappointed that the language that we are attempting to strike has been included in the Agriculture Appropriations Bill in the first place, because today the scientific consensus on global climate change is stronger than ever.

Mr. Chairman, the opponents of this amendment will tell you that the language included in this bill—the language the amendment would strike—simply prevents the Administration from implementing the international agreement, known as the Kyoto Protocol, to reduce greenhouse gases and curb global climate change.

The opponents say that the Administration should not implement the Kyoto Protocol because it is fatally flawed and unrealistic.

They say the Administration shouldn't implement the Protocol because it would exempt developing countries from requirements to reduce their greenhouse gas emissions.

They say the Administration shouldn't implement the Kyoto Protocol. Period.

Well guess who agrees with them entirely? The Administration.

So if this Administration isn't even remotely thinking about implementing the Kyoto Protocol, what is the language this amendment would strike really about?

It is not about the Kyoto Protocol. It is not about fears the Administration will sneakily conduct ''back-door'' implementation.

It is really about preventing any serious progress at all on the serious environmental problem of global climate change. The truth is that this amendment is really about who is for dealing with climate change responsibly, and who is not.

For years now, the language this amendment would strike has been used to hound federal agencies that tried to address climate change. It was used to harass agencies who sent government officials to international climate change meetings. And it has been used in attempts to thwart voluntary agreements—voluntary agreements—with industries that offered to cut their greenhouse gas emissions.

Yet, both Presidents Bush have acknowledged that climate change is a serious problem. In fact, George H.W. Bush even signed an international agreement to reduce U.S. emissions of greenhouse gases—and that treaty was ratified by the U.S. Senate.

Despite its misgivings about the Kyoto Protocol, this Administration, too, has acknowledged the seriousness of climate change. As many of you know, after receiving last month the report he requested from the National Academy of Sciences—a report that underscored yet again the scientific consensus that exists on climate change—President Bush pledged that the U.S. will take a leadership role to address it.

I, for one, want to help him do that. I want the U.S. to take the lead on dealing with climate change responsibly. And the obstructionist language in this bill does not help do that.

It is time this House took the issue of climate change seriously, as our President has said he does. I urge my colleagues to support the Olver-Gilchrest amendment. Let's strike this troublesome language from the bill, and put the tired old bogeyman of Kyoto behind us.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I thank my friends across the aisle, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Maryland (Mr. GILCHREST), for cosponsoring this effort to strike an anti-environmental rider.

I just want to share an experience I had last week when I was up on the Arctic plain on the shores of the Arctic Ocean talking to biologists and geophysicists about what is going on in the Arctic.

What I learned was that, in a relatively stunning development, fully 50 percent of the depth of the pack ice above the North Pole, the Arctic oceans, have dissipated in the last several decades. Half of the depth has gone away, and 10 percent of the extent of the ice is gone because of global warming that has occurred.

I talked to rangers at Denali National Park who have worked there about 15 years and have seen the treeline move north just during their experience. The fact is, this is happening. It is happening four or five times more rapidly in the Arctic than it is in temperate zones, but it is a harbinger of things to come.

I am hopeful that the House will not move backwards with this, but in fact will strike this language so we can make a positive statement and move forward. The United States should be a leader. We have been a leader in freedom. It is time for us to become a leader in global climate change, and realize the development for our economy at the same time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), and want to recognize in general the leadership the coauthor on this amendment has provided on climate change.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me, and for the part the gentleman from Massachusetts (Mr. OLVER) has played in the process, and thank all the other Members for their work.

I also want to thank, with a great deal of gratitude, the chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, the gentleman from Texas (Mr. BONILLA), for accepting our amendment.

As Members might observe, the picture next to the podium is our home. I think it is our responsibility to preserve it and protect it.

□ 1745

Three quick points: Number one, I want to thank the gentleman from Texas (Mr. BONILLA) for accepting the amendment so that the language is taken out of the bill. This gives the Bush administration the opportunity to discuss this in an international way.

Number two, it gives us, as Members of the House, a sense of responsibility for protecting the planet, so we will not pass that burden and that responsibility off to the next generation, which will have a much more difficult time.

Number three, very quickly, everybody talks about the weather, but not a lot of people, including us, know a lot about the weather or where does the air that we breathe come from, how does it sustain us, how is the air sustained, and over what period of time did it create what we now see.

Well, there is a word that I think is interesting called coevolution, and that means the biological diversity of the web of life, on land and in the oceans, over eons of time, has produced and sustained the atmosphere that surrounds this planet, unique in the known universe, in which life through nature's bounty thrives as we know it today.

And the last comment I want to make is can man, through polluting, degrading, and fragmenting the environment, have the capacity to change the atmosphere and actually change the climate? This is a report that the Bush administration had a number of scientists from the National Academy of Science review and come back and tell the Bush administration the answers to those two questions. Does man have the capacity to change the atmosphere, thus changing the climate?

To read just a couple of sentences from this report commissioned by the Bush administration from the National Academy of Sciences, ''Greenhouse gases are accumulating in Earth's atmosphere as a result of human activities, causing surface air temperatures and subsurface ocean temperatures to rise. Temperatures are, in fact, rising. Human-induced warming and associated sea level rises are expected to continue through the next century.'' That is throughout the 21st century.

Can we change the atmosphere? If we look on this chart produced by the National Oceanic and Atmospheric Administration, we can see from 1860 to the year 2000 the acceleration of the accumulation of carbon dioxide in the atmosphere. This is from our Federal Government, commissioned by the Bush administration. We can change the atmosphere by increasing the greenhouse gas of carbon dioxide, thereby increasing warming.

This chart, produced by NASA, shows since 1860 the level of increase in warming which affects the climate, and it is dramatic during the industrial age.

So the questions are: Can we affect our atmosphere? Can we change climate? The answer to those two questions is yes, and now it is time for us to do something about it.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent to claim the time in opposition, though I am not opposed to the amendment.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 30 minutes.

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

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman for his acceptance, and I thank him for yielding back his time. I do have two people who wish to make very short statements.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time and for his leadership on this issue. I stand in strong support of this amendment, which will ensure that we move forward to combat global warming.

Global climate change is underway. Denying the existence of global warming will not make it go away nor can the United States afford to deny its role. Just last week I had the opportunity to talk to European leaders about climate change and, believe me, they have grave concerns about our retrenchment. Our country must bear its share of this burden.

Now, President Bush recently asked the National Academy of Sciences to revisit the issue. They concluded greenhouse gases are accumulating in

the Earth's atmosphere as a result of human activities. Temperatures are in fact rising. Their report goes on to say the national policy decisions made now and in the long-term future will influence the extent of any damage suffered by vulnerable human populations and ecosystems later in this century.

Voluntary reductions, which the President advocates, are not sufficient. I urge adoption of this amendment. We need to send a clear message that this Congress is committed to protecting our environment, protecting the public health, and protecting our future.

Mr. OLVER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of the Olver-Gilchrest amendment to strike the Kyoto rider language.

The President has already indicated that he has no intention of implementing the Kyoto Protocol. That is unfortunate because we need to stay engaged at the table to encourage progress on this critical issue. However, it makes this rider unnecessary.

Science has confirmed the existence of global climate change is real. The effects of this have significant implications for agriculture in our nation and around the world. The mix of crop and livestock production is influenced by climatic conditions and water availability. Increases in climate variability already make adaptation by farmers more difficult. In my state of Missouri, agriculture is a $4 billion annual industry, one-half of which comes from livestock, especially cattle. The major crops in my state are corn, soybeans, and hay. Corn and soybean yields could fall by as much as 22% or rise by as much as 6%, depending on the climate variability resulting from global climate change.

As a result of global warming, we expect to see more frequent anomalies in our weather, with more frequent severe storms, floods, and droughts. Clearly these volatile weather patterns can have a highly negative impact on our ability to farm and protect and secure families and property.

We might also expect to see more pests in our plants and food stream. We may see more insects, and plant disease is expected to become more prevalent. There may be many pests that are new to our area, and we might expect to see greater numbers of insects, some of which carry diseases like malaria. The insects could travel further north—into MO—as a result of global warming. Again, this could have a potentially significant adverse effect on plants and crops by destroying our nation's precious resources and jeopardizing human health.

This morning, Deborah Clark from the University of Missouri-St. Louis, at a National Academy of Sciences forum, spoke about the ability of plants to sequester carbon. While planting trees and other carbon-sequestering crops will capture more carbon dioxide, many plants will be less productive if global warming continues because high temperatures limit the ability of plants to photosynthesize, thus reducing their ability to capture carbon.

Our Nation's strategy to address climate change can produce a reliable supply of diverse fuels that minimize greenhouse gases and secure our leadership in energy technology to benefit our consumers and to export around the world.

We must make the necessary investments in emerging technologies which will allow the United States to gain the edge in developing and marketing new products and lead to job creation. If we fail to act, we will lose the edge to other nations like Japan and Germany who are committed to this course of action.

A decade of progress has occurred since former President Bush signed the original climate treaty in Rio in 1992. This rider makes it difficult for federal agencies to work on any issues related to climate change, which the U.S. is obligated to address as part of the Rio agreement.

I urge others to join with me in voting in favor of this amendment, because whether or not the Kyoto protocol moves forward, we have an obligation to maintain our global leadership role in developing new technologies that will enable us to reduce emissions of greenhouse gases and promote the agricultural economy. The rider is unnecessary and I urge my colleagues to support the Olver/Gilchrest amendment.

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing a brief comment.

America is the largest polluter dealing with greenhouse gases and it is appropriate for us to exercise some leadership. The gentleman from Maryland (Mr. GILCHREST) has, I think, identified why in fact it is a problem, the single greatest environmental threat that we face. Unfortunately, this administration has been slow to acknowledge the problem, and sadly slower to embrace American leadership, which is needed in a global sense.

I am pleased with the gentleman's willingness to accept the amendment. I hope that it portends greater things in the course of this session where Congress can provide some leadership on this critical environmental level; that we can be promoting a bipartisan commonsense approach to reduce the greenhouse gases, and to encourage American industry and individuals to all play their role.

I think this is an important first step, and I appreciate the leadership that the committee has been exerting.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume and thank very much the chairman of the subcommittee for his indulgence, even after he had agreed to accept the amendment. We appreciate that very much.

Mr. SMITH of Michigan. Mr. Chairman, I am in opposition to implementing the Kyoto Protocol.

Under the Kyoto Protocol, by 2008 to 2012 the U.S. would be required to slash emissions of greenhouse gases to seven percent below the 1990 level—a level last achieved in 1979. Based on projections of the future growth in U.S. energy use, this would require a real cut in emissions of over 30 percent. In the meantime, major greenhouse-gas emitters, such as China, India, Mexico, and Brazil, would be able to continue business as usual.

In July 1997, before the Kyoto Protocol was signed, the Senate passed on a vote of 95 to 0 the Byrd-Hagel resolution, which states that the U.S. should not sign any treaty that (1) would mandate cuts in emissions only for developed countries and (2) would result in serious economic harm.

This commonsense resolution set the absolute minimum criteria for Senate ratification of any climate treaty. The Clinton Administration never submitted the Kyoto Protocol to the Senate for ratification because it knew that it would be dead on arrival.

In a breath of fresh air, President Bush said succinctly, ''I will not accept a plan that will harm our economy and hurt American workers.'' In stating the obvious and pulling the plug on this flawed treaty, the President has spared us from a U.N. boondoggle that would harm American workers, consumers, and businesses.

The proponents of this amendment argue that, because the Administration does not support the Kyoto Protocol, the language in the bill is superfluous. Further, they argue that striking the language will send a positive message to the international community that the U.S. is willing to play a leadership role in climate change. We are a leader in the world on reducing and sequestering harmful emissions.

Annually we spend nearly $2 billion on climate change research, more than the rest of the world combined. There are many things about the climate system we still do not understand. That is why we need to continue this research and increase our knowledge of climate variability and the potential human impact of greenhouse gas emissions.

Current computer models predicting warming over the next century may prove to be no more reliable than the five-day weather forecast. But even assuming that these models are right, achieving the emission goals in the treaty would reduce projected warming by less than one-tenth of a degree by 2050. So we still have time to do the necessary research to fill in the gaps and get it right instead of lurching ahead with a treaty that would cost too much and do nothing to solve the problem it is intended to solve.

The Administration also has said that it will be working to develop new technologies, market-based incentives, and other approaches to increase energy efficiency and reduce greenhouse emissions. I fully support these approaches, which make much more sense than the commend-and-control dictates that would flow from the Kyoto process.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. OLVER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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

by the gentleman from California (Mr. ROYCE); the amendment offered by the gentleman from Ohio (Mr. BROWN).

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

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman. We were just presented a list of potential amendments for consideration by the full membership, and I wonder if the Chair would again repeat which amendments the Members will be asked to vote on and the order that they will be presented.

The CHAIRMAN. The amendments on which further proceedings were postponed will be voted on in the following order: the amendment offered by the gentleman from New York (Mr. WEINER); the amendment offered by the gentleman from California (Mr. ROYCE); and the amendment offered by the gentleman from Ohio (Mr. BROWN).

Ms. KAPTUR. Mr. Chairman, we believe that that third amendment was accepted; voice voted.

The CHAIRMAN. The gentlewoman is correct, the amendment was approved by voice vote and no recorded vote was requested.

Ms. KAPTUR. Mr. Chairman, for all the Members who are watching from their offices, then, in terms of the order of the votes, it would then be?

The CHAIRMAN. The amendment offered by the gentleman from New York (Mr. WEINER) will be first, followed by the amendment offered by the gentleman from California (Mr. ROYCE).

Ms. KAPTUR. Then we will move to final passage?

The CHAIRMAN. That is correct.

Ms. KAPTUR. I thank the Chair very much.

AMENDMENT NO. 25 OFFERED BY MR. WEINER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 272, not voting 6, as follows:

[Roll No. 219]

AYES—155

Ackerman	Berman	Cox
Akin	Biggert	Coyne
Andrews	Blumenauer	Crane
Armey	Borski	Crowley
Baird	Brown (SC)	Culberson
Baldacci	Burton	Cummings
Baldwin	Camp	Cunningham
Barcia	Cantor	Davis (FL)
Barr	Cardin	Davis, Jo Ann
Barrett	Castle	Davis, Tom
Bass	Chabot	DeGette
Bereuter	Clay	DeMint
Berkley	Costello	Deutsch
Doggett	Lewis (GA)	Rothman
Duncan	Linder	Roukema
Ehlers	Lipinski	Royce
Ehrlich	LoBiondo	Ryan (WI)
Engel	Lofgren	Saxton
English	Lowey	Scarborough
Evans	Luther	Schaffer
Fattah	Maloney (CT)	Schakowsky
Ferguson	Maloney (NY)	Schrock
Filner	Manzullo	Sensenbrenner
Flake	Markey	Shadegg
Forbes	McCarthy (NY)	Shaw
Fossella	McKinney	Shays
Frank	McNulty	Sherman
Frelinghuysen	Meehan	Shimkus
Goss	Menendez	Shuster
Graham	Millender-McDonald	Slaughter
Green (WI)	Miller (FL)	Smith (NJ)
Greenwood	Miller, Gary	Smith (WA)
Gutierrez	Miller, George	Solis
Hayworth	Moore	Souder
Hoeffel	Moran (VA)	Stark
Hoekstra	Morella	Stearns
Holt	Nadler	Stupak
Hostettler	Neal	Sununu
Hutchinson	Owens	Tancredo
Inslee	Pallone	Taylor (MS)
Israel	Pascrell	Terry
Istook	Payne	Tiberi
Johnson (CT)	Petri	Tierney
Keller	Portman	Toomey
Kelly	Pryce (OH)	Towns
Kerns	Ramstad	Upton
Kind (WI)	Rangel	Velazquez
Kirk	Rivers	Wamp
Kolbe	Roemer	Waxman
LaFalce	Rogers (MI)	Weiner
Langevin	Rohrabacher	Weldon (FL)
Lantos		Wu

NOES—272

Abercrombie	Dicks	Isakson
Aderholt	Dingell	Issa
Allen	Dooley	Jackson (IL)
Baca	Doolittle	Jackson-Lee (TX)
Bachus	Doyle	Jefferson
Baker	Dreier	Jenkins
Ballenger	Dunn	John
Bartlett	Edwards	Johnson (IL)
Barton	Emerson	Johnson, E. B.
Becerra	Eshoo	Johnson, Sam
Bentsen	Etheridge	Jones (NC)
Berry	Everett	Kanjorski
Bilirakis	Farr	Kaptur
Bishop	Fletcher	Kennedy (MN)
Blagojevich	Foley	Kennedy (RI)
Blunt	Ford	Kildee
Boehlert	Frost	Kilpatrick
Boehner	Gallegly	King (NY)
Bonilla	Ganske	Kingston
Bonior	Gekas	Kleczka
Bono	Gephardt	Knollenberg
Boswell	Gibbons	Kucinich
Boucher	Gilchrest	LaHood
Boyd	Gillmor	Lampson
Brady (PA)	Gilman	Largent
Brady (TX)	Gonzalez	Larsen (WA)
Brown (FL)	Goode	Larson (CT)
Brown (OH)	Goodlatte	Latham
Bryant	Gordon	LaTourette
Burr	Granger	Leach
Buyer	Graves	Lee
Callahan	Green (TX)	Levin
Calvert	Grucci	Lewis (KY)
Cannon	Gutknecht	Lucas (KY)
Capito	Hall (OH)	Lucas (OK)
Capps	Hall (TX)	Mascara
Carson (IN)	Hansen	Matheson
Carson (OK)	Harman	Matsui
Chambliss	Hart	McCarthy (MO)
Clayton	Hastings (FL)	McCollum
Clement	Hastings (WA)	McCrery
Clyburn	Hayes	McDermott
Coble	Hefley	McGovern
Collins	Hill	McHugh
Combest	Hilleary	McInnis
Condit	Hilliard	McIntyre
Cooksey	Hinchey	McKeon
Cramer	Hinojosa	Meek (FL)
Crenshaw	Hobson	Meeks (NY)
Cubin	Holden	Mica
Davis (CA)	Honda	Mink
Davis (IL)	Hooley	Mollohan
Deal	Horn	Moran (KS)
DeFazio	Houghton	Murtha
Delahunt	Hoyer	Myrick
DeLauro	Hulshof	Napolitano
DeLay	Hunter	Nethercutt
Diaz-Balart	Hyde	Ney
		Northup
		Norwood
		Nussle
		Oberstar
		Obey
		Olver
		Ortiz
		Osborne
		Ose
		Otter
		Oxley
		Pastor
		Pelosi
		Pence
		Peterson (MN)
		Peterson (PA)
		Phelps
		Pickering
		Pitts
		Platts
		Pombo
		Pomeroy
		Price (NC)
		Putnam
		Quinn
		Radanovich
		Rahall
		Regula
		Rehberg
		Reyes
		Reynolds
		Riley
		Rodriguez
		Rogers (KY)
		Ros-Lehtinen
		Ross
		Roybal-Allard
		Rush
		Ryun (KS)
		Sabo
		Sanchez
		Sanders
		Sandlin
		Sawyer
		Schiff
		Scott
		Serrano
		Sessions
		Sherwood
		Shows
		Simmons
		Simpson
		Skeen
		Skelton
		Smith (MI)
		Smith (TX)
		Snyder
		Spence
		Spratt
		Stenholm
		Strickland
		Stump
		Sweeney
		Tanner
		Tauscher
		Tauzin
		Taylor (NC)
		Thomas
		Thompson (CA)
		Thompson (MS)
		Thornberry
		Thune
		Thurman
		Tiahrt
		Traficant
		Turner
		Udall (CO)
		Udall (NM)
		Visclosky
		Vitter
		Walden
		Walsh
		Waters
		Watkins (OK)
		Watson (CA)
		Watt (NC)
		Watts (OK)
		Weldon (PA)
		Weller
		Wexler
		Whitfield
		Wicker
		Wilson
		Wolf
		Woolsey
		Wynn
		Young (AK)
		Young (FL)

NOT VOTING—6

Capuano	Herger	Lewis (CA)
Conyers	Jones (OH)	Paul

□ 1819

Messrs. GONZALES, WYNN, DAVIS of Illinois, NEAL of Massachusetts, Ms. PELOSI, Mr. HYDE, and Mr. WATT of North Carolina changed their vote from ''aye'' to ''no.''

Mrs. KELLY and Messrs. SCHROCK, TERRY, KERNS, STUPAK, BERMAN, SAXTON, FATTAH, GOSS, BROWN of South Carolina, SHERMAN, BALDACCI, and EHLERS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 219, I was unavoidably detained. Had I been present I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 19 OFFERED BY MR. ROYCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ROYCE) 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 85, noes 341, not voting 7, as follows:

[Roll No. 220]

AYES—85

Akin
Andrews
Armey
Bachus
Barr
Barrett
Bartlett
Bass
Berkley
Brown (OH)
Brown (SC)
Cantor
Cardin
Castle
Chabot
Coble
Collins
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doggett
Doyle
Duncan
Ehlers
Ehrlich
English
Ferguson
Filner
Flake
Fossella
Frelinghuysen
Graham
Grucci
Hall (OH)
Hayworth
Hoekstra
Holt
Horn
Hostettler
Istook
Keller
Kelly
Kind (WI)
Kleczka
Kucinich
Linder
LoBiondo
Luther
McInnis
Meehan
Miller (FL)
Morella
Pallone
Payne
Petri
Portman
Ramstad
Rivers
Rohrabacher
Rothman
Roukema
Royce
Scarborough
Sensenbrenner
Shadegg
Shaw
Shays
Smith (NJ)
Stark
Stearns
Stump
Sununu
Tancredo
Taylor (MS)
Taylor (NC)
Tiberi
Tierney
Toomey
Wamp
Waters
Weiner

NOES—341

Abercrombie
Ackerman
Aderholt
Allen
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Carson (IN)
Carson (OK)
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Frank
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Capuano
Jones (OH)
Lewis (CA)
Lewis (GA)
Manzullo
Paul
Turner

□ 1828

Mr. NADLER changed his vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LEWIS of California. Mr. Chairman, on rollcall No. 220, I was unavoidably detained. Had I been present I would have voted "no."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002''.

The CHAIRMAN. If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GOODLATTE, 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. 2330) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2002, and for other purposes, pursuant to House Resolution 183, 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 414, nays 16, not voting 3, as follows:

[Roll No. 221]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—3

Capuano
Jones (OH)
Lewis (GA)

Kelly	Nadler	Sherman
Kennedy (MN)	Napolitano	Sherwood
Kennedy (RI)	Neal	Shimkus
Kerns	Nethercutt	Shows
Kildee	Ney	Shuster
Kilpatrick	Northup	Simmons
Kind (WI)	Norwood	Simpson
King (NY)	Nussle	Skeen
Kingston	Oberstar	Skelton
Kirk	Obey	Slaughter
Kleczka	Olver	Smith (MI)
Knollenberg	Ortiz	Smith (NJ)
Kolbe	Osborne	Smith (TX)
Kucinich	Ose	Smith (WA)
LaFalce	Otter	Snyder
LaHood	Owens	Solis
Lampson	Oxley	Souder
Langevin	Pallone	Spence
Lantos	Pascrell	Spratt
Largent	Pastor	Stearns
Larsen (WA)	Payne	Stenholm
Larson (CT)	Pelosi	Strickland
Latham	Pence	Stump
LaTourette	Peterson (MN)	Stupak
Leach	Peterson (PA)	Sununu
Lee	Petri	Sweeney
Levin	Phelps	Tanner
Lewis (GA)	Pickering	Tauscher
Lewis (KY)	Pitts	Tauzin
Linder	Platts	Taylor (MS)
Lipinski	Pombo	Taylor (NC)
LoBiondo	Pomeroy	Terry
Lofgren	Portman	Thomas
Lowey	Price (NC)	Thompson (CA)
Lucas (KY)	Pryce (OH)	Thompson (MS)
Lucas (OK)	Putnam	Thornberry
Luther	Quinn	Thune
Maloney (CT)	Radanovich	Thurman
Maloney (NY)	Rahall	Tiahrt
Manzullo	Ramstad	Tiberi
Markey	Rangel	Tierney
Mascara	Regula	Towns
Matheson	Rehberg	Traficant
Matsui	Reyes	Turner
McCarthy (MO)	Reynolds	Udall (CO)
McCarthy (NY)	Riley	Udall (NM)
McCollum	Rivers	Upton
McCrery	Rodriguez	Velazquez
McDermott	Roemer	Visclosky
McGovern	Rogers (KY)	Vitter
McHugh	Rogers (MI)	Walden
McInnis	Ros-Lehtinen	Walsh
McIntyre	Ross	Wamp
McKeon	Rothman	Waters
McKinney	Roukema	Watkins (OK)
McNulty	Roybal-Allard	Watson (CA)
Meehan	Rush	Watt (NC)
Meek (FL)	Ryan (WI)	Watts (OK)
Meeks (NY)	Ryun (KS)	Waxman
Menendez	Sabo	Weiner
Mica	Sanchez	Weldon (FL)
Millender-McDonald	Sanders	Weldon (PA)
Miller (FL)	Sandlin	Weller
Miller, Gary	Sawyer	Wexler
Miller, George	Saxton	Whitfield
Mink	Schaffer	Wicker
Mollohan	Schakowsky	Wilson
Moore	Schiff	Wolf
Moran (KS)	Schrock	Woolsey
Moran (VA)	Scott	Wu
Morella	Serrano	Wynn
Murtha	Sessions	Young (AK)
Myrick	Shadegg	Young (FL)
	Shaw	

NAYS—16

Bass	Hefley	Shays
Cox	Hostettler	Stark
Crane	Rohrabacher	Tancredo
Doggett	Royce	Toomey
Flake	Scarborough	
Green (WI)	Sensenbrenner	

NOT VOTING—3

Capuano	Lewis (CA)	Paul

□ 1848

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following resignation as a member of the Committee on Standards of Official Conduct.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to submit my resignation from the Committee on Standards of Official Conduct.

I will consider my resignation effective immediately.

Sincerely,

ROB PORTMAN,
Representative.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. WALDEN of Oregon. Mr. Speaker, I offer a resolution (H. Res. 187) and ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 187

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Standards of Official Conduct: Mr. Hulshof.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Without objection, and pursuant to section 303(a) of Public Law 106–286, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN of Michigan
Ms. KAPTUR of Ohio
Ms. PELOSI of California
Mr. DAVIS of Florida.

There was no objection.

COMMUNICATION FROM THE HON. STEPHEN E. BUYER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEPHEN E. BUYER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 11, 2001.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a civil subpoena for documents issued by the Superior Court for Allen County, Indiana in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to advise the party who issued the subpoena that I have no documents that are responsive to the subpoena.

Sincerely,

STEPHEN E. BUYER,
Member of Congress.

TRIBUTE TO THE LATE JUSTICE STANLEY MOSK

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to Justice Stanley Mosk, a justice of the California Supreme Court, who died a couple of weeks ago after 37 years on the California Supreme Court.

He was remembered at his funeral service for what speaker after speaker called his ''legacy of justice.'' Stanley Mosk was the only Democrat on the State High Court and a very progressive member. He died in San Francisco.

He was my neighbor and he was my friend. Our colleague, the gentleman from California (Mr. SCHIFF), will be speaking more specifically about Stanley Mosk's contribution to the law in California and our country. I want to speak briefly about him personally.

Stanley Mosk was a genius. He was a great tennis player. He took great pride in that. He might have wanted that to be first. He was a great family person. Of course, that did come first. He was a person of such great intellect that his decisions when he wrote them were the subject of great admiration and study by law students and admired by those who followed the law. He will be greatly missed in San Francisco, where the supreme court resides in California.

He was the first person elected statewide in California, when he ran for office many years ago, the first person of the Jewish religion ever elected. Once and for all, he settled that issue. Because of Stanley Mosk, Jewish candidates know that their religion is not a factor in elections in this great State. Indeed, if they were a factor at all, it is a plus.

With that, Mr. Speaker, I want to mention further that it is said of him that many people learned much about pain and much about joy from him.

Stanley Mosk did not want to retire. He went home, he was with his family, but he planned to retire in the fall. So, if I am hesitant about this, it is with