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

Continued

Mr. SHERMAN. Mr. Chairman, what I would also hope is that the government in Iran would give us just verdicts. Now, there cannot be justice for the 13 Jews who have been subjected to show trials over the last several months. They were arrested in March of 1999. Most of them have been in prison since then, all on the ridiculous charge of spying for the United States. In Iran, no Jew is allowed near anything of military significance, so to think that the CIA would turn to this small minority to hire our spies would be to allege a level of negligence to the CIA that not even the Chinese ambassador to Yugoslavia has asserted.

Ronald Reagan instituted a ban on the importation of agricultural products from Iran. This amendment, or pair of amendments, would restore that ban. We could then, in the months to come, evaluate the behavior of the Iranian government. And if, later on, the conference committee decided that these provisions were unnecessary, if there was justice for the 13 Jews being tried in southern Iran, we could modify our behavior as the Iranian government modifies its behavior.

For now, all we see in southern Iran is injustice and religious persecution. And the correct response of this House at this time is to prohibit the U.S. tax dollars that we control from being used to facilitate the importation of these products to the United States to compete with the products of American agriculture, when, instead, we should send the message to Teheran: no justice, no caviar.

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

Mr. SHERMAN. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I will be brief. I just want to reiterate one element of my colleague's remarks, and that is that wherever we may stand on whether or not we should be liberalizing our import and export policies with regard to Iran, this is an amendment that simply speaks to the timing.

And the timing is extraordinarily precarious. Although no one knows for sure, there is some speculation that this weekend, the 4th of July weekend, Independence Day weekend, is when the verdicts for the Shiraz 13 are going to be coming down. I am concerned that the statement of this House should be that we are watching, at the very least.

Even if this language is changed in conference, even if we choose to say to the President at a later date to release this money, to broaden our exchange with them because the moderate Iranian government is indeed that, more moderate and more committed to human rights, my concern is that if we do not act in this bill this is our last opportunity to send a message to the Iranian government that we are watching.

Regardless of where we may stand, if we think we should be harder than hard line, or we think we should start to moderate a little in response to their new government, these amendments are simply a chance for us as a body to take a symbolic deep breath and wait and see what happens with those verdicts, and to make it clear that this show trial that has been conducted in private has been and is being watched by the United States Congress.

Mr. SHERMAN. Reclaiming my time, Mr. Chairman, and in closing, I would hope people would accept these amendments and send a message to Iran.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,783,000: *Provided*, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service and Rural Development mission areas, $25,000,000, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based Agencies, and shall be with the concurrence of the Department's Chief Information Officer.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $613,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $150,343,000, to remain available until expended: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

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HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601 et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 9601 et seq., $15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $34,708,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

AMENDMENT OFFERED BY MR. METCALF

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

The Clerk read as follows:

Amendment offered by Mr. METCALF:

Page 6, line 16, insert after the dollar amount ''(decreased by $40,000)''.

Page 57, line 24, insert after the second dollar amount ''(increased by $40,000)''.

Mr. METCALF. Mr. Chairman, in March 1999, following an investigation into reports that researchers at Tulane Medical School had developed a test that demonstrated a direct correlation between Gulf War illnesses and antibodies to squalene, the GAO recommended that the DOD immediately replicate the independent research results that revealed the presence of squalene antibodies in the blood of ill Gulf War veterans.

Unfortunately, the DOD, Department of Defense, has chosen to ignore this recommendation. Instead, it has embarked on an attempt to change the format of the test rather than validating the research data.

Because of the urgent need to determine if this test can be used as a diagnostic tool for those suffering from Gulf War illnesses, funding is needed for a review to build on the published science. This amendment will provide the money to validate the Tulane test. A mere $40,000 will be shifted from the administrative budget of the Agriculture Department to the Food and Drug Administration. If this test is validated, it will give hope to thousands of Gulf War veterans who still suffer from their service in the Gulf War.

This amendment will allow FDA to convene a panel of three to four immunologists to visit Tulane Medical School to review the data concerning the anti-squalene antibody assay and familiarize themselves with the test procedures. Subsequent to the visit, the panel will submit blinded samples from 50 Gulf War illnesses patients and 50 gender-matched healthy individuals for analysis of the assay. The results from the blinded test will then be submitted to the panel for unblinding and analysis. If the results are favorable to the FDA panel, then the test will be considered validated. This will fulfill the recommendation made by GAO more than 1 year ago.

The House-passed version of fiscal year 2000 defense appropriations bill included report language instructing the DOD to develop and/or validate the test for the presence of squalene antibodies. On January 31 of this year, 10 Members of this House sent a letter to Secretary of Defense Cohen requesting that he answer one question, and this is the question: ''If the Tulane test is a good test, based on solid science, shouldn't we be using it to help sick Gulf War veterans?''

I would like to commend my colleagues, the gentleman from Washington (Mr. DICKS), the gentleman from North Carolina (Mr. JONES), the gentleman from California (Mr. FILNER), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. EVANS), the gentleman from Texas (Mr. PAUL), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from Vermont (Mr. SANDERS), and the gentleman from Indiana (Mr. BURTON) for their concern about this issue and for signing on to that January 31 letter.

I would also like to thank my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Washington (Mr. NETHERCUTT) for their consistent support of the Gulf War veterans.

Congress is entrusted to take care of the veterans who sacrifice their lives to protect American freedoms. Thousands of veterans are suffering from Gulf War illnesses. This is one small thing Congress can do to give these veterans hope that one day effective treatments and cures will be found.

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

The gentleman's intention is to take $40,000 from the Department of Agriculture and add it to the Food and Drug Administration so that FDA can validate a test, and this test does not fall within FDA's mission area. Let me quickly review the agency's mission regarding biological products, such as the test the gentleman has mentioned.

FDA reviews applications from a sponsor both at the investigation and clinical stages. FDA scientists evaluate laboratory tests and patient data. Inspectors visit manufacturing facilities and analyze data on medical errors. FDA's scientists would not themselves validate a test for a product under review but would analyze the validation data presented by the drug's sponsor.

The sponsor of the drug or biological product must initiate the review process by submitting an application with the agency. There is no fee for investigating new drug applications, the first phase of the process. For those products covered by the Prescription Drug User Fee Act, there is a fee for the new drug application review. However, waivers of the fee are available in case of need. And I would hope that the sponsor of this test, which I understand is Tulane University, would develop an application and submit it to FDA so that the test could be evaluated and approved.

I hope this information is helpful to the gentleman, and I repeat that I oppose the amendment since the request is outside the mission area of the Food and Drug Administration. I urge my colleagues to vote ''no'' on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. METCALF).

The amendment was rejected.

AMENDMENT NO. 18 OFFERED BY MR. NEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. NEY:

H.R. 4461

OFFERED BY: MR. NEY

Page 6, line 16, insert ''(reduced by $34,000)'' after ''$34,708,000''.

Page 8, line 3, insert ''(reduced by $33,000)'' after ''$8,138,000''.

Page 8, line 14, insert ''(reduced by $33,000)'' after ''$65,097,000''.

Page 10, line 23, insert ''(increased by $100,000)'' after ''$850,384,000''.

Mr. NEY. Mr. Chairman, I rise to offer an amendment to this bill. However, first I would like to congratulate the chairman of the subcommittee, the gentleman from Arizona (Mr. SKEEN) and the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), for their hard work and a job well done on this piece of legislation.

Mr. Chairman, my amendment holds enormous significance for the researchers who will be affected by it and for the Nation as a whole, so I want to make it clear this is not just something specific to the 18th district that I represent, but the fact that this is something that is very specific to the entire country.

The North Appalachian Experimental Watershed, known as NAEW, located in Coshocton, Ohio, is a nationally significant research facility whose mission is to conduct research on hydrology, surface runoff, groundwater quality and erosion in an agricultural context. It was established in 1935, and the research center has provided over 60 years of historic long-term data on small watersheds which has helped to develop a knowledge of basic water sediment and chemical movement. I personally have been to the facility,

and I can tell my colleagues that people come from all over the world, not just all over the United States, to look at the facility and the data.

This 60-year database of measurements has been collected from rain gauges, watershed flumes, and monolith lysimeters. Lysimeters, one of the facility's most unique features, measures surface runoff and percolating water, and provides the data necessary to understand the intricacies of land and water management as applied to agriculture.

Soon after the facility went into full operation, it garnered the attention of scientists from all over the world who came to view this ''first-of-its-kind'' large-scale watershed hydrology research program in soil and water conservation. Today, the NAEW maintains a total of 11 large monolithic lysimeters and is one of the few lysimeter sites in the U.S. that is located in rain-fed agriculture.

Having collected data from lysimeters since the 1930s, the NAEW has the longest water balance record of any U.S. weighing lysimeter site, the longest in the history of our country. The data collected from the lysimeters allow researchers to track nutrient movement.

Mr. Chairman, I am aware much of this information I am speaking about may not jump out and grab my colleagues, but let me give some practical ways in which the NAEW provides our country with valuable information on land and water conservation practices and general land uses.

One example is drought-risk assessment. The economic and environmental impacts of drought can be costly, as we all know, with billions of dollars spent during a drought. The National Drought Policy Commission, formed by Congress through the National Drought Policy Act of 1998, released its report and recommendations regarding the preparedness and response of drought. The overall recommendation of the Commission was for Congress to pass a national drought preparedness act.

An element of the Commission's recommendations was research into different aspects of drought. Research is needed on science-based methods of determining the risks and probabilities of drought at a given location and under different climates. Research is also needed on environmental consequences of and preparedness for drought with respect to land management, water quality, and erosion.

The NAEW has an archive of runoff, weather, soil moisture, lysimeter, and water quality data with which this research can be conducted. Some records, as I previously mentioned, are as old as 60-plus years. The existing runoff and weather monitoring infrastructure of the NAEW is invaluable for conducting watershed and weather-related research into these high-priority areas.

Another area of research done at the facility applies to food safety. The importance of assessing the risks in plant and animal food safety and quality with respect to poisonous and carcinogenic substances has been acknowledged. As an example, the fungus producing aflatoxin grows in improperly stored nuts and grains, and thrives in crops such as peanuts during drought conditions, as well as from being under stress from prolonged wet periods.

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Risk assessments must incorporate both climate and physical conditions at a location, and long climate records are not available at most U.S. locations. Therefore, science-based models using existing weather records need to be developed for these kinds of food-safety-climate-variations risk assessments.

The NAEW has a long-term weather database to collect this information and can provide the necessary research to assist in advancing food safety initiatives.

Data and research collected at the site also provide information on other topics such as how pesticide runoff affects groundwater, how runoff for Midwestern farms produces ''dead zones'' in the Gulf of Mexico, the environmental impacts of grazing systems, flood mitigation studies, and the environmentally friendly land application of animal waste.

Unfortunately, because of a flat-lined budget over the last several years, the facility has suffered severe setbacks in its ability to do research. Over 90 percent of its current funding goes to pay salaries and expenses at the station leaving very little money to fund the research that benefits the entire Nation. Several employees have already been forced to leave their jobs, and further layoffs are expected without this much needed increase.

These employees who have a long-standing relationship with the center will be lost, and along with their loss will be many years of expertise on the subject.

As if the loss of these employees' jobs were not enough, the fact is that valuable research opportunities will also be lost. And that is for the entire country. Portions of the NAEW research efforts will need to be terminated. Simply put, lost employees means lost research.

Although I am aware that there are other facilities around the Nation that are facing the same funding situations, I believe that the unique nature of this facility for the good of our country and the invaluable research it provides warrants the small increase for which I am asking.

I ask my colleagues to join me in supporting this small but important amendment.

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

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

Mr. Chairman, the purpose of the amendment of the gentleman is commendable. He is trying to support an Agricultural Research Service laboratory in his district, the Northern Appalachian Experimental Watershed Research Station at Coshocton, Ohio.

I know that this research station does good work. That is not the question. The problem is that there are 103 other research stations within the Agricultural Research Service and they all do good work. If each of these locations had more money, they could do even more good work. This particular lab is funded at $957,000 in the current fiscal year, and this amendment will increase that amount by about 10 percent.

In putting together this bill, we have had to balance the needs of all such locations. I think that we have done a good job.

So I must reluctantly oppose the amendment of the gentleman. I need to ask that his amendment be defeated and that we maintain the balance among all research stations.

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. NEY).

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

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

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

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. It is not that the gentleman does not have a good idea. The problem is that the ARS, which is doing a tremendous job, was underfunded in the budget by $44 million under their request.

What the gentleman wants to do in his amendment, which I oppose, is he wants to take money from the Department of Agriculture's administration account, from the Office Communication account, and from the Office of Inspector General. Each of those accounts is way below, $6 million for the Department of Administration account below what they requested; $800,000 below the Office of Communication, what they requested; and $5.1 million below the administration.

So, in robbing Peter to pay Paul, they are just squeezing and squeezing and squeezing. What we really need to do is to have more money in the ARS account. Unfortunately, if the gentleman had not supported the small allocation figure given to the committee, we probably could have funded it. It is a project that I would support on merit if the money was there.

I think that we need to work, perhaps, in conference that we get higher figures on projects like that, but I do not think that his amendment is proper at this time because of the lack of funding.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: *Provided further*, That not less than $2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $65,097,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $29,194,000.

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

Mr. Chairman, I rise as a strong supporter of all the good agriculture work that is going on across America. But I am taking this moment to recognize that we have reached another milestone in American history, a milestone that we should celebrate as a people and a milestone for one person in particular, a former Member of this body.

The President has just announced the nomination of the first Asian-American to ever serve in the United States Cabinet. Former Congressman Norman Mineta has been nominated to be Secretary of Commerce. I think that is an important milestone for Mr. Mineta, as an individual, for this body, and for us as a people.

Mr. Mineta was an honored Member of this body; as well as chair of an important committee; the former Mayor of San Jose; and an executive in a private corporation; and, I might add, a fine mentor to me, someone who is brand new to elected office in this body.

In the words of the tech industry in the San Jose area, Congressman Mineta is fully plug and play. He is ready to go, ready to work, ready to work and lead and serve. I wanted to take a moment of this body's time to recognize this honor which has come to one of our own and another milestone in American history.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $540,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $66,419,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,851,000, of which up to $15,000,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $850,384,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations on purchase of land shall not apply to the purchase of land at Corvallis, Oregon; Parlier, California; and Florence, South Carolina: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

AMENDMENT NO. 57 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. 57 offered by Mrs. CLAYTON:

H.R. 4461

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Page 10, line 23, insert after the aggregate dollar amount the following: ''(reduced by $6,800,000)''.

Page 13, line 17, insert after the dollar amount the following: ''(increased by $4,000,000)''.

Page 13, line 23, insert after the dollar amount the following: ''(increased by $4,000,000)''.

Page 15, line 22, insert after the dollar amount the following: ''(increased by $2,800,000)''.

Page 17, line 5, insert after the dollar amount the following: ''(increased by $2,800,000)''.

Mrs. CLAYTON. Mr. Chairman, I rise in strong support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE), the gentleman from Mississippi (Mr. THOMPSON), and myself.

Several weeks ago, members of the Congressional Black Caucus and I introduced the USDA Accountability and Equity Act of 2000, which focuses on eliminating discrimination towards black farmers, black employees of USDA, and the 1890 Land Grant Institutions.

Our 1890 Land Grant Institutions continue to face discrimination. These institutions have been a prominent feature of the American higher education for more than 130 years. They continue to accomplish much with, at best, a modest level of financial support, while producing quality teachers, scientists, community leaders, businessmen, and women.

Statistics prove that although these institutions play a vital role in strengthening competitive agricultural systems, conducting research, and providing training opportunities and technical assistance in environmental science, the funding authorized under USDA Food and Agriculture Act of 1977 for research and extension continues to erode for these institutions, the very funding these institutions and universities depend on for their food and agriculture research programs.

The proposed appropriation of $30.6 million for research and the $26.8 million is the same amount appropriated to these institutions last year and the previous year. This amount continues to put these institutions in a position where their programs suffer, making it difficult for them to maintain an optimal level of program activity in advancing their land-grant mission.

Our amendment would bring the 1890 institutions closer to the level of funding they so desperately need and deserve to continue to provide quality education to millions of students and the intensive research nationally and internationally that has served so many over the years.

This amendment provides us with the opportunity to take one more step towards eliminating discrimination by leveling the financial playing field.

I urge, Mr. Chairman, a vote in favor of this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of the Jackson-Lee, Thompson, Clayton amendment to H.R. 4461, Agriculture Appropriations for FY 2001. Mr. Chairman, my congressional district is the home of Alcorn State University, the oldest Historically Black Land-Grant College in the country. For years Alcorn, along with other 1890 Historically Black Land Grant Colleges and Universities, have faced an uphill battle in acquiring adequate funding to provide research, technical assistance in environmental sciences, improve the production and preservation of safe food supplies, and train new generations of scientists in mathematics, engineering, food and agricultural sciences.

Although these schools have traditionally functioned with the status quo, over the past few years they have received less of the minimum amount of the federal and state funds they usually receive. Many of the 1890 HBCU's across the country are equipped with the experience to carry out the necessary research that is granted to larger 1862 Colleges and Universities, if given the financial support by the federal government.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Specifically, this amendment will increase by $6.8 million the formula funds (i.e., Evans Allen Research & Extension Activities for the 1890 Land Grant Institutions) for the 1890 land grant institutions. The amendment will increase research activities by four million and extension activities by $2.8 million for the 1890's land grant institutions. This $6.8 million increase will be deducted from the Agricultural Research Service (ARS) funding included in the bill. The bill currently includes $889.7 million for ARS related activities.

Mr. Chairman, lets work together to provide a lift for our 1890 Historically Black Land Grant Colleges and Universities.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to urge the house to adopt the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, Appropriations for the Department of Agriculture for FY 2001. This amendment will ensure the economic viability of 105 1890 Historically Black Land Grant Colleges and Universities.

These 1890 HBCUs are a part of a land grant system of 105 state-assisted universities that link new science and technological developments directly to the needs and interests of the United States and the world. In addition, to strengthening agriculture, the 1890 HBCUs conduct research, provide technical assistance in environmental sciences, improve the production and preservation of safe food supplies, train new generations of scientists in mathematics, engineering, food and agriculture sciences and promote access to new sources of information to improve conservation of natural resources.

Although these institutions have been able to operate from minimum federal and state funds in the past, over the last couple of decades these institutions have received less than adequate support to continue their historical mission of strengthening agriculture. I think this is a clear travesty and congress must do everything their power to address this oversight now.

These institutions have consistently requested additional federal support for several decades and they have been traditionally disapportionately funded. For instance, in my state of Texas, Prairie View A&M University (1890) receives about $2.3 million in federal land grant funds, while Texas A&M (1862) receives an astonishing $100 million annually. I make this point not to discredit Texas A&M, but to illustrate the clear disparity in funding for these Institutions. Furthermore, while Congress continues to increase appropriations for many agriculture programs in general, they have consistently failed to provide even marginal increases to these vital institutions.

The Jackson-Lee, Clayton and Thompson amendment will address this loss in federal support for 1890 universities. Significantly, this amendment will increase by only $6.8 million the most critical funds for these universities. This slight increase will be historic, given the fact that these institutions did not receive any land grant funding prior to 1967 and have been level funded for the last several years. This amendment will be offset by deducting this $6.8 million from the Agricultural Research Service. Currently, the bill includes $889.7 million for ARS related activities.

Again, I urge you to support the Jackson-Lee, Clayton, Thompson amendment to H.R. 4461, and assist these institutions in their historic mission of strengthening agriculture in our nation.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

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

Mr. Chairman, I wonder if the gentleman from New Mexico (Chairman SKEEN) might join me in a brief colloquy.

Mr. SKEEN. Mr. Chairman, I will be happy to.

Mr. BOSWELL. Mr. Chairman, I would like to bring to the attention of the chairman a very significant emergency taking place right now in my home State of Iowa, and perhaps most prevalently in my district. I know our chairman is most certainly aware of it, as he also is a colleague from Iowa. But right now hundreds of farmers are suffering from a severe drought.

According to the National Weather Service, it has been 45 years since the Midwest has been in such a serious drought at this point in the year. According to weather service data, this past April was the fifth driest in Iowa in more than a century of record keeping.

Iowa, like most agriculture States, depends on abundant rainfall levels in April to help grow a bountiful crop during the summer. However, during this past April, rainfall was significantly below normal. This sustained lack of rainfall is devastating to farmers. The subsoil moisture levels are nonexistent or very low.

As a fellow farmer, my colleague might understand. I recently dug a post hole trying to repair a fence in a lot and it was powdery dry as far down as we went, and we went down about four feet.

Iowa's State climatologist has stated the 8-month period between September 1 and May 1 was the second driest on record in Iowa.

Although the National Weather Service says there is a slight chance of relief, soaring summer temperatures will increase evaporation and will bring a quick return to dry conditions.

I would like to call to the chairman's attention a provision drafted by Senator HARKIN and Senator BYRD in the Senate version of the Agriculture Appropriations bill. This provision will provide $50 million for rural water needs to help farmers and those who live in the surrounding town to make it through this extremely dry time.

I would have liked to have offered a similar amendment on today's Agriculture Appropriation bill, but because this would be considered emergency spending, I understand it will not be allowed. So I would like to express my support for the Harkin-Byrd provision in the Senate appropriations bill and hope that we could work together to get relief for farmers who are struggling through this incredibly tough time.

□ 1230

Mr. SKEEN. Mr. Chairman, I understand the gentleman's concerns and assure him that this measure will be adequately considered when we enter conference committee with the Senate and having been subjected to the kind of drought that is being talked about, where we have 12-year-old kids that have never seen a rain in New Mexico. So we have a real problem.

I do not know how else that we can do it, but we are going to take in and go after it.

Mr. BOSWELL. Mr. Chairman, I do know that the gentleman from New Mexico (Mr. SKEEN) understands this, and I appreciate his concern. I look forward to working with him in any way that we can to bring relief to the farmers throughout the Nation, in my area, as well as his, that are suffering from drought.

I thank the gentleman from New Mexico (Mr. SKEEN) again for his kind consideration and his hard work on this bill.

The CHAIRMAN. Are there additional amendments to this section?

The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In the current fiscal year, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

AMENDMENT NO. 22 OFFERED BY MR. TIERNEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 22 offered by Mr. TIERNEY:

Page 12, after line 24, insert the following:

Of the funds made available by this Act for the Agricultural Research Service, $500,000 shall be available for the report required under this paragraph. Not later than September 30, 2001, the Secretary, acting through the National Academy of Sciences, shall complete and transmit to Congress a report that includes recommendations for the following:

(1) The type of data and tests that are needed to sufficiently assess and evaluate human health risks from the consumption of genetically engineered foods.

(2) The type of Federal monitoring system that should be created to assess any future human health consequences from long-term consumption of genetically engineered foods.

(3) A Federal regulatory structure to approve genetically engineered foods that are safe for human consumption.

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

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

Mr. TIERNEY. Mr. Chairman, this amendment seeks a National Academy of Sciences study to examine three things: if the tests being performed on genetically engineered foods to ensure their safety is adequate and relevant; what type of monitoring system is needed to assess future health consequences from genetically engineered foods; and what type of regulatory structure should be in place to approve GE foods for human consumption.

The reason for this amendment is simple. The growing public awareness of genetically engineered food has led to questions about their long-term health and safety. We have seen in Europe an example of what happens when the public loses confidence in the safety of food products. In Great Britain there has been a massive backlash which has effectively eliminated the use of GE ingredients in foods sold in grocery stores and restaurants there.

There are significant differences, of course, between the situations in the United States and Great Britain. Due to past outbreaks of food-borne illnesses, consumers there lack faith in the regulatory abilities of their government when it comes to food safety. In the United States, we have maintained public confidence in our food regulatory system because we have been able to avoid and prevent such disasters from occurring.

However, GE ingredients can be found in many of the foods that we commonly eat, including potato chips, oils, corn, soda and baby food.

The Grocery Manufacturers of America estimate that 70 percent of the grocery store food may have been made with biotechnology crops.

We cannot afford to coast on the past success of our regulatory system. We need to feel confident about the safety of GE products.

The current system of testing GE products for their health and safety is overseen by the Food and Drug Administration. The FDA does not conduct its own testing of GE products. Instead, the FDA provides guidelines and then relies heavily on the companies that produce GE products to test their safety.

Until last month, that was a voluntary compliance where the company shared the results with the Food and Drug Administration. Under new rules proposed in May by the administration, companies will now have to give 120 days notice to the FDA before introducing a new GE product into the market.

Even with these new rules, it remains the responsibility of the companies that create the market for those products to be tested for safety.

To make a compelling argument for the safety of GE foods, we need to be sure that the tests required of new products are adequate and appropriate. To assure the public that these foods are safe to eat, this is the least that we should be doing.

In addition to ensuring that our testing methods are adequate, we need to ensure that our regulatory system is also adequate. The current system is based on the 1986 coordinated framework for the regulation of biotechnology under which the United States Department of Agriculture, the Environmental Protection Agency, and the Food and Drug Administration share oversight of GE products.

The National Academy of Sciences in a recently released report on genetically modified pest-protected plants said simply, a solid regulatory system and scientific base are important for acceptance and safe adoption of agricultural biotechnology, as well as for protecting the environment and the public health.

We need to ensure that the current framework is still the best regulatory system to ensure the safety of GE products.

Mr. Chairman, we are already seeing the effects of a lack of confidence in GE foods in the United States. Gerber and Heinz have announced that they will not be using GE products in their baby foods. McDonald's has even requested that suppliers not use GE potatoes, and Frito-Lay will not be using GE ingredients in its corn chips.

This reasonable amendment seeks nothing more, Mr. Chairman, than a study to ensure that we are properly examining GE products, in terms of testing and in terms of regulatory oversight. We do that in order that we can adequately address the concerns of the public and the concerns of the food producers about these genetically engineered foods.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) continue to reserve a point of order?

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

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as chairman of the Subcommittee on Basic Research, we have spent the last year and a half examining the safety of the new biotech foods. Safety is extremely important. In our final report, called ''Seeds of opportunity'' we concluded that not only a great positive benefit to consumers all over the world, but they are safe.

Our regulatory system in the United States is the strictest in the world. Between USDA, the Food and Drug Administration, as well as EPA, the Environmental Protection Agency, we have the kind of regulatory review and testing of these biotech products that has been acclaimed by many in the scientific community as being over adequate.

There are strong suggestions that we are over regulating and therefore stifling the development of products that have so much potential to safely help people.

There are now over 1,000 GMO products, genetically modified products, that have been approved that are on the market. The consequences of stifling this innovation by overregulation, and scare tactics is real and serious.

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

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I just want to make the point that this is not overregulation. This is simply asking the National Academy of Sciences to determine what the best process would be. I do not think there is any doubt that there is a lot of skepticism out there in the American public and that we need confidence in these GE foods if we are really going to have them, have all the advantages that the gentleman speaks to.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences has just released a very intensive report where they come to the conclusion, as we did in our report from the Subcommittee on Basic Research, that essentially the food products that are derived by the new genetic modification are as safe, if not safer, than the traditional products and plant products that are derived from cross-pollination and cross-breeding.

There are approximately 25,000 genes in a plant. When two such plants are crossed, what one ends up with is unknown offsprings because they do not know what genes are going to mutate in the process of that cross-breeding and which genes end up in the new plant.

With genetic modification, one can pick out and isolate one or two genes and know their characteristics. The results of that kind of biotech alteration can be predicted and the advantages and the safety are attested by the scientific community.

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

Mr. SMITH of Michigan. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. What this does is to say that the Academy of Sciences would do a study. This is for a study for three things, whether or not the tests are being performed.

Mr. SMITH of Michigan. Reclaiming my time. Did the gentleman have a chance to see the study that just came out in April?

Mr. TIERNEY. In fact, I quoted from it in my report; and it also talks about the need to make sure that our regulatory system is, in fact, adequate to give confidence to these foods that are coming out and to make sure that the public has confidence. All this does is say that the National Academy of Sciences would help us by reviewing what would lift that level of confidence, what types of studies would be adequate, who should do the studies and how should they be conducted and what type of regulatory system should we have, because whether we like it or not there is a large part of our population out there and a great part of our market who do not have confidence in the current regulatory scheme.

It either needs to be reaffirmed, or it needs to have some proposal out there that will allow everybody, not just the scientists, not just us and everybody else, but to have confidence in the system.

Mr. SMITH of Michigan. Reclaiming my time, the National Academy of Sciences in their report did say that proper oversight is good, but they also said, and I quote;

"In general, the current U.S. coordinated frame work has been operating effectively for over a decade." For your information that is on page 19 of this report.

Biotechnology has been used safely for many years to develop new and useful products used in a variety of industries. More than a thousand products have now been approved for marketing, and many more now being developed. They include human insulin for diabetics, growth factors used in bone marrow transplants, products for treating heart attacks, hundreds of diagnostic test for infectious and other agents, including AIDS and hepatitis, enzymes used in food production, such as those used for cheese, and many others.

And this is just the beginning. In agriculture, new plant varieties created with this technique will offer more foods with better taste, more nutrition, and longer shelf life, and farmers will be able to grow these improved varieties more efficiently, leading to lower costs for consumers and greater environmental protection.

As you are aware, agricultural biotechnology has come under attack recently by well-financed activist groups determined to stop it in its tracks. The controversy resolves around three basic questions: Are agricultural biotechnology and classical breeding methods conceptually the same? Are these products safe to eat? And are they safe for the environment? I have concluded that the answer to all three questions is a resounding "Yes." In fact, modern biotechnology is so precise, and so much more is known about the changes being made, that plants produced using this technology may be even safer than traditionally-bred plants.

Far from causing environment problems, agricultural biotechnology has tremendous potential to reduce the environmental impact of farming. Crops designed to resist pests and to tolerate herbicides and environmental stresses, such as freezing temperatures, drought, and high salinity, will make agriculture more efficient and sustainable.

Biotechnology will be a key element in the fight against worldwide malnutrition. Deficiencies of vitamin A and iron, for example, are very serious health issues in many regions of the developing world. Biotechnology has been used to produce a new strain of rice—Golden Rice—that contains both vitamin A and iron.

The merging of medical and agricultural biotechnology has opened up new ways to develop plant varieties with characteristics to enhance health. Work is underway that could deliver medicines and edible vaccines through common foods that could be used to immunize individuals against a wide variety of enteric and other infectious diseases. These developments will potentially save millions of children in the poorest areas of the world.

I oppose actions that would stifle this technology based on unfounded fears. To deny its benefits to our Nation and to those who need it most, the children of the developing world who are concerned about where their next meal will come from.

The CHAIRMAN. Does the gentleman from New Mexico continue to reserve a point of order?

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

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

Mr. Chairman, I wanted to just stand and to commend the gentleman from Massachusetts (Mr. TIERNEY) for his concern, genuine concern, about genetically modified foods. As a result of his initiatives and his constant prodding of the committee, I want to just put on the record that in the report that accompanies this bill we are calling for the U.S. Department of Agriculture and the Food and Drug Administration to work together to improve the methods of testing and reviewing genetically modified foods, as well as providing more information to consumers.

We think that it is important that these two major agencies work together and though we probably have not done enough to completely satisfy the gentleman, I want to reassure him and the people of the State of Massachusetts that he represents, that there could be no more vigilant leader here on trying to protect the public's safety in food consumption with adequate information. I wanted to publicly state that and to thank the gentleman for coming to us and for leading us forward in our own efforts.

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

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

Mr. TIERNEY. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for her kind remarks and for her interest, as well as the committee's interest, in this matter, the subcommittee also.

I think the problem I am trying to get at here is that there are a large number of people, and some producers and end users, who are not sure that the method by which we are testing right now, allowing the companies to test and having that then reviewed by the governmental agencies, is enough to give them a level of confidence. I think if NAS did a study to determine that that, in fact, was the best way to proceed, it might lift the level of confidence.

If it decided that it was not the best way to proceed and set up a different type of regulatory structure, decided what was going to be the monitoring system that was used to assess the health ramifications, people would have a higher comfort level on that.

I note that what the report really said about it was that there was a priority that should be given to the development of improved methods for identifying potential allergens and pest-protected plants, specifically the development of tests with human immune systems end points and of more reliable animal models.

So the NAS really does think that there has to be some improvement of

the methods. I think this kind of review would be healthy. I think this particular motion does not take it as a friend or an enemy of the system, but says, look, let this group that I think most people will trust come in and determine what we should do on a regulatory matter, either confirm what is going on or where they have raised questions, go after it and set up a structure that people have confidence in.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

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

Mr. SMITH of Michigan. My concern is the implication that the review process is not adequate and the implication that somehow there is some kind of danger with genetically modified products. That is totally incorrect. I think you heard the quote from the National Academy of Sciences suggesting that USDA, EPA and FDA have a good coordinated system to review and regulate agricultural products. The potential scare, from un-scientific accusations does a great disservice not only to the scientific community but to the agricultural producers of this country.

Ms. KAPTUR. I thank the gentleman from Michigan (Mr. SMITH) for staying within the 30 seconds and would just say that the Academy of Sciences report issued on June 14 did state that more awareness of the regulatory process is needed, maybe not necessarily of what happens after that. But that is why we have tried to get USDA, as well as the Food and Drug Administration, to come up with a unified approach.

I think the gentleman is pushing us in the proper direction, and I just wanted to state that publicly for the record. I do have a bit of a concern about an across-the-board, an unspecified cut in the agricultural research service because we have so much trouble in that account anyway.

I think that the gentleman is obviously one of the leaders in this Congress on this whole question of giving the public absolute certainty about the food that they are eating and having some light shone on the regulatory process itself, and I think the gentleman has moved us along as a committee and is moving the country along. I wanted to commend the gentleman publicly for that.

□ 1245

POINT OF ORDER

Mr. SKEEN. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY). The amendment violates clause 2(c) of rule XXI of the House, in that it proposes the inclusion of legislative or authorizing language in an appropriations bill.

Specifically, the amendment proposes to use funds made available under the act to require and fund a new study not currently authorized by law.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

Mr. TIERNEY. Mr. Chairman, just on that point of order. I recognize and appreciate the point of order that is made and just say this was not about scare tactics, this was just the opposite about that; that is, trying to alleviate the concern that is out there and provide a mechanism by which that could be done so that everybody could have confidence in the process and eventually confidence that we all hope will be something that we can all benefit from.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that the amendment proposes new duties on the Secretary of Agriculture, and, as such, it constitutes legislation in violation of clause 2(c) of rule XXI. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $39,300,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For necessary payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $477,551,000, of which the following amounts shall be available: to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i), $180,545,000; for grants for cooperative forestry research (16 U.S.C. 582a–a7), $21,932,000; for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), $30,676,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $74,354,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $13,721,000; for competitive research grants (7 U.S.C. 450i(b)), $96,934,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,109,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $750,000; for the 1994 research program (7 U.S.C. 301 note), $1,000,000, to remain available until expended; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,000,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $4,350,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,000,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $3,500,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)), $600,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $9,000,000; 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, $9,500,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $1,552,000; and for necessary expenses of Research and Education Activities, $16,028,000, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. HEFLEY:

Page 13, line 17, insert ''(reduced by $200,000)'' before '', of which''.

Page 13, line 24, insert ''(reduced by $200,000)'' before ''; for''.

Mr. HEFLEY. Mr. Chairman, this amendment would cut $200,000 for International Asparagus Competitiveness from the special research grants. Before I get bombarded with the asparagus contingent like George Bush did with broccoli, let me say this, I am not saying I do not eat asparagus, and I am not saying asparagus does not have the right to be competitive in a national market. In fact, I like asparagus. Mr. Chairman, I want to stand on that here today.

I am saying the Federal Government should not be paying for specialized pork projects like this. Money would go towards building a harvesting machine for asparagus, it is currently picked by hand, and various other research projects.

The asparagus industry is far from beleaguered. They earned $43 million in the first half of 1999. In 1998, U.S. exports of fresh asparagus totaled 15,601 tons at a value of $46 million. In May 1999, fresh asparagus exports to Japan were up to 422 percent from the previous year.

As the industry is doing very well, why should the Government pay to build them a harvesting machine? While I highlighted this section of the bill, let us look at some of the other wasteful projects which are included in this bill. There is $400,000 for an agriculture-based industrial lubricant research, $5 million for research into citrus canker, $150,000 for blueberry research, $500,000 for peanut allergy reduction, and it goes on and on, Mr. Chairman.

The asparagus issue is simply an indication of what we get in this bill. All industries listed above, including asparagus, make enough money to subsidize their own research and development. Congress should be working to solve farmers' problems with the drought, the industrial farm competition, the estate taxes, but these small pork projects like this really do add up.

Mr. Chairman, total special research grants for this year would be $74,354,000. The gentleman from New Mexico (Mr. SKEEN) and I had a very good friend, still have a very good friend, Dan Schaefer, who was a Congressman from Colorado, and I remember one year when Dan did have legitimate competition in his congressional race, the opponent used his support of this type of asparagus program.

I remember the brochure she used, and she had asparagus sprouts all wrapped in a little ribbon on the front page of this brochure showing this is the kind of thing that Congress does and it needs to be stopped. Of course, she was going to come here and stop that kind of thing that Dan supposedly supported.

This is something that it is a minor thing, it is not a big deal, but illustrative, I think, of some of the things that we do in here. I give a porker of the week award every week for some kind of government foolish spending, and I have to tell my colleagues, the Agriculture Department gets the porker of the week award more than its share. It gets it for things just like this.

Mr. Chairman, I would encourage support of the amendment.

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

Mr. Chairman, I would just like to ask the gentleman from Colorado (Mr. HEFLEY) a question, the proponent of the amendment, and ask in whose congressional district does this project lie?

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

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

Mr. HEFLEY. Mr. Chairman, I have no idea.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, in which State?

Mr. HEFLEY. Mr. Chairman, I have no idea. That is not a point with this at all.

Ms. KAPTUR. It is our understanding that this is the State of Washington? I do not know if there are any Members that would like to comment, but I just thought for the record we ought to state that.

Mr. HEFLEY. Will the gentlewoman continue to yield?

Ms. KAPTUR. Yes, I continue to yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I think the gentlewoman makes my point for me, which State does this lie? Is there a Member from that State here who wants to defend this project? That should not be the reason we make these decisions. We should make those decisions based on real issues.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I am stating we do not know whether it is at a research station, whether it is in cooperation with the land grant university. The gentleman from Colorado is offering sort of an unspecified cut. We have many, many worthy research projects that occur across this country that try to save crops, that try to produce better crops.

I just thought it would be important for the offerer of the amendment to place on the record exactly where this is. And USDA conducts many activities; I think it is very important for us to understand the full impact of what the gentleman is proposing.

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

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

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

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

The point of no quorum is considered withdrawn.

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

Mr. Chairman, I take this time and ask for the indulgence of the gentleman from New Mexico (Mr. SKEEN) to enter into a colloquy. I would like to bring a very serious matter to the attention of my colleagues, which is the devastating effect the drought is having on Texas and its residents.

We are well aware of the economic impact it has had on agriculture production. Our colleague, the gentleman from Iowa (Mr. BOSWELL) was speaking in terms of what was happening in his State and other parts of the country. The prolonged drought is now threatening an essential human need, drinking water.

Let me give my colleagues a few examples: Sylvester, McCaulley, West Odessa, Rhineland, Mirando City, and Bruni's water supply comes from wells. Because of the drought, the water tables have dropped and the water quality is poor. In addition, they face the real potential of their wells running dry.

Stamford, Texas has about a 1-year supply of water. The water quality is poor. Solutions have been delayed by bureaucratic indifference. Without assistance to divert water into the lake, any rainfall will be lost.

Throckmorton, Texas, a population of 1,036 whose sole source of water is a lake, has approximately 117 days of water left. They are working with State and Federal agencies for resources to fund a pipeline to a neighboring community about 30 miles away. This is an emergency situation.

Mr. Chairman, within USDA, there are rural utility programs that are designed to address problems such as these. Section 381E(d)(2) of the Consolidated Farm and Rural Development Act describes several programs that can alleviate the dire circumstances that these small rural communities face.

For example, the Emergency Community Rural Water Assistance Program provides grants for communities in these dire situations. Unfortunately, the program has not been funded since fiscal year 1996.

I would like to ask for the help of the gentleman from New Mexico (Mr. SKEEN) and to work with the gentleman and others on this committee as this bill moves through the legislative process to find funding for these programs so these communities can receive the critical assistance that they need.

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

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

Mr. SKEEN. Mr. Chairman, I would like to assure my colleague that I will work with him to identify the funding sources for these programs and get these communities the help that they need either as this bill moves through the conference or other legislative vehicles arise. It is a very serious problem in that part of the country, and I understand that.

Mr. STENHOLM. Reclaiming my time, I thank the gentleman from New Mexico (Mr. SKEEN) for his help, and I look forward to working with him and the ranking minority Member, the gentlewoman from Ohio (Ms. KAPTUR) on this issue of gravest circumstance.

Mr. Chairman, I would take the remaining part of my time, and again, highlight something that I said a couple of nights ago when the HUD bill was on the floor. The bureaucratic indifference to the problems of these communities is becoming a very, very real problem, so I would hope that all of the committees, the authorizing committees of jurisdiction, would work with us as we attempt to work with the various agencies in order that we might have a little common sense applied to these emergencies and not have projects delayed needlessly as we continue to dot every ''I'' and cross every ''T'' on many of the myriad of hindrances that Congress has put in the way of dealing with emergency situations.

I would hope that as we work through this difficult situation in all communities, all over the United States, that we might have the kind of sympathetic, common sense concern to address the problems.

AMENDMENT NO. 49 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 49 offered by Mr. SANFORD:

Page 13, line 17, insert after the dollar amount the following: ''(reduced by $14,406,000)''.

Page 13, line 24, insert after the dollar amount the following: ''(reduced by $14,406,000)''.

Mr. SANFORD. Mr. Chairman, this amendment would simply hold at the fiscal 2000 year level special research grants. The reason I think that this is important is because there has been basically a $14 million increase in overall research grants, which represents a 24 percent increase in this category of spending within this bill, and that is significant, because that is about eight times the rate of growth in inflation. It is about eight times the rate of growth in overall government expenditure.

Mr. Chairman, one of the reasons that this occurred was that there are

$15 million in new research grants over the last year. They were not part of the fiscal year 2000 budget. They were not requested by the President. They were not appropriated by the Senate. In short, they were simply pork for Members within the agricultural committee.

I do not blame them one bit for doing this. They were watching out for their district, but if my colleagues look at the last component of cooperative State research education extension grants, they are to be focused on a national mission. This just flat out is not the case as we look down to these grants. What I see is $1.25 million for efficient irrigation in New Mexico and Texas. I see $300,000 fish and shellfish technologies in Virginia. I see $300,000 for nursery, greenhouse and turf specialties in Alabama. I see $200,000 for International Asparagus Competitiveness in Washington that was just recently talked about. In fact, I see a number of increases on all kinds of different things, red snapper research up by 37 percent. Vidalia onions up by 200 percent. Wood utilization, I think this is just plain crazy one, if we look at wood utilization research, it is there to help in speeding the process from timbers' exit from the forest to the mill. Yet there is nothing more efficient than a redneck out in the woods of South Carolina with a chain saw. He is getting bit up by ticks and mosquitoes and red bugs. He is going to find the most efficient way to move the tree from the stump to the mill. He does not need a Federal Government grant to teach him how to do that.

It is with that in mind that the USDA only requested $6.3 million of this type of research, because they, in fact, wanted broader research, research that was national in nature.

□ 1300

In fact, on this very front, if we look, competitive research grants were cut by about $23 million while these noncompetitive grants have been added to. It is for this reason that I think this amendment makes sense, because not to have competitive grants means that Oklahoma, Vermont, South Dakota, Delaware got zero in research grants. In fact, two big farm States, Indiana and Tennessee, got one each.

So I urge this amendment's adoption.

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

Special research grants do not represent ''pork barrel spending.'' Special research grants have strong constituent support and provide the Nation with vital research alternatives to critical issues facing the American agricultural endeavor.

Freezing special research grants at last year's level or eliminating new projects, as the gentleman's amendment proposes, will have a devastating consequence on vital research needed for eradicating citrus canker, preventing inventive species, combating exotic pests such as the glassy-winged sharpshooter that carries Pierce's disease, and improving agricultural and environmental technologies.

The following three new projects highlight the significant nature of the special research grants funded in this year's appropriation bill:

Citrus canker currently threatens the $8.5 billion citrus industry in Florida. $5 million is provided for much needed research on citrus canker and invasive species prevention and detection and eradication methods.

Two, exotic pests are introduced into California at a rate of 1 every 60 days. The bill provides $2 million to establish a research center devoted to the study of short- and long-term alternatives in combating exotic pests.

Number three, Pierce's disease, carried by the glassy-winged sharpshooter, currently threatens the $12 billion wine industry in California. $2 million is provided for short- and long-term research on Pierce's disease and the glassy-winged sharpshooter.

Historically, special research projects sponsored by Members of Congress have made significant contributions to American agriculture and have provided an opportunity for special oversight. Each year, the Cooperative State Research, Education and Extension Service is required to report to the appropriations subcommittee on the national, regional, and local needs for the projects and the goals and the accomplishments to date. This year's detailed description for special research grants begins on page 513 of part 4 of the subcommittee's hearing record and concludes on page 775. Research conducted through the competitive grant process does not receive the same detailed oversight by Congress because the USDA does the selection process.

Individual Members have submitted nearly 800 requests in support of the special research grants funded through this appropriation bill. Although we are not able to fund every request, we did evaluate the benefits of each project before we included it in the appropriation.

The process associated with the appropriation process is long and includes oversight hearings and evaluations of many proposals. The funding presented in the special research grant proposal represents the combination of many months of work by the subcommittee, and the gentleman has not been specifically involved in the process. Furthermore, the gentleman's amendment moves to arbitrarily cut or freeze funding without any consideration to the merit or value of the research needs facing American agriculture. This approach ignores the methodical process the committee used to fund the specific projects, and it brings into question the sentiment of where the gentleman's support actually lies.

Does the gentleman support American agriculture or foreign imports? Because if vital research such as those related to citrus canker and Pierce's disease is not performed, then the American citrus and wine industries and other agricultural industries supported by special research grants are in serious jeopardy.

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

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

Mr. Chairman, along with our very able chairman, the gentleman from New Mexico (Mr. SKEEN), I rise in opposition to this amendment in the area of research. One of the great gifts that America has given the world is our agricultural research. There is no more productive Nation agriculturally on Earth than our own. This has not happened by accident. When the country was founded and we tried to master the plains and people moved westward and so forth, even until today, we try to understand the ecosystem and its function; and we know we could never really control it, but we try to live in harmony with it.

I am always someone who is a very strong supporter of research for the Nation, whether it is medical research, whether it is research related to space science, or certainly in the area of living tissue, whether that be plant tissue or, in fact, human tissue research. My record is very clear on that.

The gentleman has picked one set of accounts called Special Research Grants, and for the record, I just wanted to point out that if we look at all research within the U.S. Department of Agriculture and all agriculture programs, there is, indeed, a prejudice toward row crop production, corn, wheat, feed grains, that runs through the general performance of the U.S. Department of Agriculture. There are many, many crops and many issues that are left out of that general prejudice, and these include many of our vegetable crops and they include many of our fruit crops; many items that would be smaller in terms of actual presence in the economy.

Take maple sugar production, for example. This is an area that is covered under special research. The area of molluskan shellfish, granted, it is not something that everyone in America thinks about; but on the other hand, we have all managed to indulge at dinners and so forth in some of the products produced in that research. If we look at peanuts, it sounds like a simple thing to do, produce peanuts. One has to have the right climate, the right fertilizers, the right soils.

What happens with peanut research? We have discovered, that, my goodness, there are allergens associated with peanuts and some people can die from eating peanuts. My district does not produce peanuts. I certainly do not want anyone to die, and yet with the general research, it is important that we as a country understand what is going on there and that food safety and investment in research related to peanuts occurs.

Citrus canker. I do not have oranges and limes in my district in Ohio, although I certainly buy them at the grocery store. My heart goes out to all of the producers in Florida that are losing their shirts because of citrus canker. It is important for the Nation, if we are going to have citrus crops, to find answers to controlling, if we can, the devastation that is going on in those groves.

On behalf of my own State I have to say, with tomato production, it seems that we can all grow a tomato plant, but how do we grow enough tomatoes to feed a Nation to make sure that we can move it from field to shelf.

So I oppose the gentleman's amendment simply because it really throws a dagger at the heart of our special research grants which do not have the kind of support that we get in the major feed grains but, nonetheless, are very important to integrated production in this country. I think the gentleman has a worthy objective, but I really do not think he has chosen the right place to express himself.

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

Ms. KAPTUR. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentlewoman, and I understand completely what she is saying.

I guess my only question about this is those very needs that the gentlewoman is talking about could be addressed through a competitive basis. My problem with the special grants is that they are on a noncompetitive basis so that many States are left out and some of the very needs that the gentlewoman is talking about are not addressed because they are not on a competitive basis.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, if I might say to the gentleman, he knows the problem with the Small Business Administration, why do we even have one? It is simply because so many people fall between the cracks because we as a country are more able to deal with large institutions. It is no different than smaller producers, for example. Most farmers who might raise something like asparagus or tomatoes, they do not know how to apply for competitive research grants. Oftentimes this is done in conjunction with our land grant universities who do work with many of our smaller producers; raspberry producers, for example, who have to worry with viruses on their crops. We have a lot of internal review that is done by the academic institutions working with these crops and with the individuals who grow them. Also, the USDA Cooperative Research Service works and makes sure that we are getting our money's worth.

So I think the gentleman is trying to do something worthy, but I think he has chosen the wrong vehicle to do it, and I oppose the amendment.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I want to remind the Members, Mr. Chairman, that the reason this money is in there is because we, because of our trade policy and the opening of our markets and our ports, we have many very serious invasive pest issues that we are dealing with in this country. I will give a couple of specific examples.

In Florida right now we are under severe attack from citrus canker. The source was a tree that was brought in through the Miami airport. Right now, this Federal Government is going to be spending millions and millions and millions of dollars to try to eradicate this disease. The only way that we can get rid of it is destroy the tree. It is spreading in at a very rapid pace. In the process, it is destroying the citrus industry in Florida and bankrupting many of the folks who have been in the citrus business down there for hundreds and hundreds of years.

There are other examples, as I am sure have been referenced in this debate. Pierce's disease in the grape industry, plum pox in the Northeast, the African hot water tick is another example of an invasive pest which has been found in this country which has the capability of destroying totally the livestock industry, including the wild deer population.

I need to remind the gentleman that we did not become the world's greatest economy, including agriculture and other industries, by sitting on our hands when it comes to research; and this basic research to solve these problems has to be done by the Government. One of the things that we have done in the last 5 years that has not served us very well is to cut back in many of these areas within the Department of Agriculture and its funding.

So I would very strongly oppose the amendment.

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

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I commend the gentleman for the way he has been a consistent advocate for farmers in general and farmers specifically within his district.

However, my concern here is that people have mentioned a lot of strange diseases, canker sores on the sides of citrus trees and whatnot; but again, based on the research grants themselves, if we actually break them out, what they are correlated to is not the diseases on the citrus trees, but they are correlated to who sits on the Committee on Agriculture.

So while these are interesting points, that is not where the research grants are going, and that is why I think they ought to be made on a competitive versus not-competitive basis.

Mr. BOYD. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would remind the gentleman and others who have the same interest that this is one Member who sits on that committee and would be glad to work with anybody from any part of the country if they have a specific problem. We intend to earmark a lot of this money, and rightfully so; and we have taken into consideration those folks, like the gentleman, who have specific problems.

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

Mr. BOYD. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, on that point, I fully recognize the fact that while this particular Member may well do that with farmers from anywhere across the Nation, as a whole, at the end of the day, what comes out of this process is not that happening. In fact, again, we see a direct correlation between simply sitting on that committee and the research grants.

Mr. BOYD. Mr. Chairman, reclaiming my time, I would like to say that unfortunately, Mr. Chairman, I do not control the whole process. I would be glad to work with the gentleman to solve his specific problem.

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

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

Ms. KAPTUR. Mr. Chairman, I would just like to say, as ranking member of this committee, our responsibility is to serve the country; and we have Members that come to us, for example, from New York City and from Chicago who are not on the Committee on Agriculture who are suffering under the Asian long-horn beetle infestation where all of those hardwoods are having to be cut down. We serve the country. We try to provide answers through this section of research in special grants and special research efforts all across this country. We do not just serve people on the agriculture committees. Our job is to serve the membership and, through them, serve the Nation.

So I would object a little bit to the way the gentleman characterized the performance of the committee. We are very proud of the work we do in serving the Nation.

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

I rise in strong opposition to this amendment.

□ 1315

I come from Southern California. We are being attacked by what is called the glassy-winged sharpshooter, which is capable of totally destroying the wine industry.

I want to make one point, Mr. Chairman: Insects do not wait. They do not wait for a competitive grant, they do not wait for a competitive investigation of whether one insect is more deserving of investigation or research than another. We do not have time. When an insect first hits the ground, it starts reproducing at a rapid rate. They become endemic very quickly.

We have found in California if we do not respond, for instance, to the fire ant that was found recently, or the Formosa termite, which was literally eating its way across San Diego, or the Medfly, and continue to have research on that most destructive insect, I think everyone would agree in the United States, which totally destroyed, by the way, the citrus industry in Florida many years ago, that these research grants need to be responded to immediately. They cannot wait. We do not have the time. We have to give the responsibility to people to make those types of decisions.

I would say that I join my friends on both sides of the aisle in opposition to this amendment. I would hope for the sake of the produce industry, certainly something very important in California, that this amendment is voted down.

We do not get subsidies on our crops in Southern California. We are produce farmers: strawberries, fruits and vegetables. Our farmers really have to succeed on the price of their produce. The only thing that we have to get us in some kind of a competitive advantage is good research. I want to stand for research and in opposition to this amendment.

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

Mr. CALVERT. I yield to the gentleman from Washington.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding.

I just think the gentleman makes some good points. I have great respect for my friend, the gentleman from South Carolina. But coming from a farm State and being part of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, we do look carefully at the problems that come up in different parts of the country and try to address the needs where they can best be addressed, at the universities or land grant universities who have an ongoing research program.

It is popular to say, ''This has a funny name, jointed goat grass research,'' for example, ''Let us try to strike it;'' or asparagus research, like my friend from Colorado had an amendment which I opposed.

But it really, I think, diminishes a bit the work of the members of the subcommittee on the Committee on Appropriations who look at all of these challenges in agriculture research and try to use their best judgment to make sure that problems are addressed for farmers, so we can sell crops and grow them, and grow them healthfully.

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

Mr. CALVERT. I yield to the gentleman from South Carolina.

Mr. SANFORD. I would just make the point that the gentleman raises some areas of acute need. I would recognize those acute needs. The problem is, the money is not being spent here. I see $5.5 million on wood utilization research; $3 million on vidalia onions, we do not have a crisis there; red snapper research, I do not see a crisis there.

Mr. CALVERT. Reclaiming my time, Mr. Chairman, I do not know the instances in these various products, but I have confidence that the appropriators have looked into this.

I have confidence that the USDA does not have time to look sometimes into the minutiae of what the gentleman is trying to do. They must respond immediately, not only with research but with dollars to back up that research, or we are going to have an epidemic on our hands with various produce and products in this country.

I would like to say one thing, produce is extremely important to this country. Fresh vegetables are important to this country, not just to the farmers but to the people who consume them. We need to have the research and the response as quickly as possible in this country to make sure that we continue to have the best produce at the best possible price for the consumers in this country.

In that sense, I would absolutely oppose the gentleman's amendment, and would urge all our Members to vote against it.

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

Mr. Chairman, there are a lot of problems with this bill, but I want to take just a moment to question the presumption that somehow the public interest is served if the Congress never exercises its own judgment about where a dime of taxpayers' money ought to go.

There are a lot of occasions on which I oppose individual requests of Members to add items to appropriation bills. Many times I oppose them because essentially those requests have been marred by lobby groups in this town. I think Members ought to be able to represent their own districts without having to be plagued by a middleman who is simply trying to make money off the deal.

But the gentleman from Washington said something which I wanted to emphasize when he talked about the tendency of some people in this institution to sometimes go after projects just because they ''sound funny.''

I remember about 15 years ago when a research project at the National Science Foundation was ridiculed on this House floor, on the Senate floor, and in most of the newspapers across the country because it was a research project involving Polish pigs. Everybody had a big laugh about the research that was being done on Polish pigs.

The fact is that out of that research came one of the new, modern drugs for control of blood pressure.

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

Mr. OBEY. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding. I just want to make a point of clarification. The gentleman suggested that I thought Congress should never be involved in this decision-making.

Mr. OBEY. I did not mention the gentleman.

Mr. SANFORD. Not me, but I am just saying generally. What is interesting is, I leave in place $60 million for special research grants. All this amendment goes after is the increase of $14 million, so Congress would very much be involved in the process of making special research grants.

Mr. OBEY. I would simply say this, we have an economy that is second to none in the world. We have an agricultural community which is second to none in the world. We did not get that way by putting green eyeshades ahead of our own judgment.

Sometimes the Congress has the temerity to think that there ought to be an increase in a program because there is some other value that is served by investing that money.

I would simply say that it is very easy for one Member who has not sat through hearings, who has not gone over the individual Member requests, who has not weighed the requests of one Member versus another, given the very tight squeeze on money that we have around here, it is very easy for a Member to come to the floor and just say, knock off the increase in this program, or knock off that category of grants.

The reason Congress has survived as the strongest legislative body in the world is because Congress specializes, and Members are expected to learn their trade. They are expected to learn about the subject matter under the jurisdiction of their committee.

If we cannot have some expectation that that committee is to be trusted to use good judgment, then we become a zoo where the amendments are adopted on the basis of what some staffer in some Member's office thinks is a clever tack. I do not think that serves the interests of the taxpaying public.

Mr. SANFORD. If the gentleman will continue to yield, Mr. Chairman, I want to be clear, this is not about a green eyeshades analysis or nonspecialization. In other words, when I look at the wood utilization grants, I will bet I am the only Member of Congress who raises pine trees. I have been out there in the woods with a McCullough chain saw cutting timber, watching loggers do the same.

It is based on that experience that says to me that the wood utilization program is a waste of money.

Mr. OBEY. That is fine, but this is an institution that makes collective judgments. With all due respect to the gentleman, I think the committee spent more time examining this problem than the gentleman has.

Mr. SANFORD. The question is how much time Members have spent in the woods.

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

I just wanted to express opposition to this amendment. As someone who is not on the subcommittee and someone who has not necessarily been advocating, although I certainly advocate for special projects research, but I have seen the value of these projects, whether I have advocated for them or not, in not only responding to special projects that someone else, not understanding it, may see it as something completely beyond what is practical and reasonable.

Part of the ingenuity of research is to begin to not only speak to crises but speak to opportunities for research, opportunities for greater production, opportunities for enhancing the quality of food and the products that we grow. Having this and the judgment to respond both to crisis and opportunity is a unique value that we should not lose in the austere position of balancing the budget.

If we are going to err, we ought to err on the side of looking at research in the sense that research really is a searching for the unknown, searching for the possibilities. I want to suggest that if we are to be practical, we also ought to have a future. Research is about the future. Sometimes we do not know all the practical crises of those situations.

I urge that we vote against this amendment.

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

Mr. Chairman, I hesitate to get in this debate, but one of the things I heard that really bothered me is an assumption that the American people should not take as fact. There is no shortage of money. Discretionary spending from this Congress last year rose almost 9 percent, three times the rate of inflation in this country.

So dare we not make the case that money is tight. Our pocketbooks that we are spending of taxpayers' money is growing three times the rate most of them are seeing increases in their own budget.

The second contention that I would make is that it is okay to fund research that is not necessarily legitimate, because sometimes something positive comes out of it. I am reminded of the research that was appropriated when the gentleman from Wisconsin (Mr. OBEY) was chairman of the committee that studied the flatulence of cows. There has been nothing positive that has come out of that approach.

It is ironic that we would be so resistent to a lessening of programs that are not necessarily cogent and reasonable that are necessarily related to regional politics and reelection.

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

Mr. Chairman, since the gentleman from South Carolina (Mr. SANFORD) is indiscriminately attacking important programs in this bill without much discussion about the impact of the proposed cuts, I want to take a minute to talk about the program that he is attacking with this amendment.

The Cornell University program on breast cancer and environmental risk factors was launched in 1995 in response to the abnormally high incidence of breast cancer in New York. The program investigates the link between risk factors in the environment, like chemicals and pesticides, and breast cancer.

The BCERF program takes scientific research on breast cancer and translates it into plain English materials that are easy to understand, and disseminates this information to the public. They have a web site that is filled with information on BCERF's activities, breast cancer statistics, scientific analyses of environmental risk factors, and links to other sources of information. They sponsor discussion groups that provide a public forum to discuss breast cancer.

This amendment would destroy our ability to bring the important work of the BCERF program to more people around New York and around the country.

Let me make this very simple. If Members oppose efforts to educate the public about breast cancer, and if they think we have done enough to prevent breast cancer in this country, then vote for this amendment. But if Members agree with me that we need to do more about stopping the terrible scourge of breast cancer, if Members agree with me that we cannot sit by while one in eight women are diagnosed with breast cancer over the course of their lifetimes, if it outrages Members that approximately 43,000 women will die from breast cancer, and 175,000 women will be diagnosed with breast cancer this year alone, then join me in voting no on this terribly misguided amendment.

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

Mrs. LOWEY. I yield to the gentleman from South Carolina.

□ 1330

Mr. SANFORD. Mr. Chairman, I just I want to make very clear that this amendment simply gets at the overall funding category, the 24 percent increase in funding. It in no way goes specifically after your very worthy research project.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I wanted to point out the importance of this use of that source of funds. Because I think we have to be very careful in this body about indiscriminately cutting back on an account that may have very important uses for those dollars, and I wanted to point out one of the very important uses of these dollars so that I think we have to be careful.

I am just stressing this to the gentleman that to cut out a whole account, we could put a program like this in danger.

Mr. SANFORD. Mr. Chairman, if the gentlewoman would continue to yield, I would simply say on that point, that is why I think it is so important to go after some of the others that I think have far less merit, like the wood utilization program.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, I would like to state again to my colleagues that I think we all have to be careful in this body about cutting money from a general account when, frankly, the impact of those cuts could impact a very important program such as this one.

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

Mrs. LOWEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentlewoman for yielding me this time. The gentleman from Oklahoma (Mr. COBURN) just said that there were some Members standing on this floor who were saying it was okay to use taxpayers' money for research which is of no value. Nobody is saying that. I mean, the gentleman's comments I think simply do not accurately reflect what Members have said.

What we are saying is that it is nice if there are people in this place who recognize the value of something as well as its cost. That goes to the very essence of research. We do not know ahead of time what value there will be, but we do know that there will be a very large cost if we do not engage in that research, whether it is in the case of human disease or even, I might add, if it is in the case of bovine flatulence which produces methane which has an impact on atmospheric gases.

Mr. Chairman, I see nothing against the national interest in trying to determine whether an adjustment in bovine diet can lead to less impact on the Earth's atmosphere, so that we do not have to focus all of the squeeze in creating a cleaner environment on industry which has a negative impact on jobs.

Mrs. LOWEY. Mr. Chairman, again reclaiming my time, and in conclusion, I think that points out once again that the reason that I am using this as an example is to explain to the gentleman from South Carolina (Mr. SANFORD), my good friend, that the impact of his cuts, although it may be unintentioned, could severely affect very important programs such as I have mentioned here.

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

Mr. Chairman, I rise in opposition to the amendment. I rise in opposition precisely because of the nature of the amendment in which the gentleman from South Carolina, my good friend, reduces arbitrarily the amount of money set aside. And I do so without apology on spending or defense of this particular category.

When we look at the total amount of money that is being invested in agriculture on food, then it should be relatively easy to oppose an amendment that arbitrarily strikes $16 million

without saying where we will strike it. I trust the judgment of the committee that has spent literally hours in determining the priority of projects. And I say that as one who has had some of my own requests turned down this year because there was not sufficient money available to fund all of the projects.

Mr. Chairman, I respect that, as much as it hurts me to say that, because I happen to believe some needs that we were supporting in Texas and in other areas should have been considered, but were not able to be considered under the tight budget restraints. But to come in and arbitrarily cut an additional $16 million seems to me to be a little harsh, because when we look at things like bovine tuberculosis in Michigan, a very, very serious problem that we do need to have a special rifleshot attention being done for it.

We have already heard about the citrus canker in Florida. Designing foods for health, very important. Potentially, something might be wasted, but by the same token, trying to find answers through our food supply of dealing with the very serious disease of cancer.

I can list others. We have already heard the California problem in the wine industry, et cetera. But I remember not too many years ago in which, on this floor I am sure, but I heard it on talk shows, radio hosts who ridiculed a program that this Congress had appropriated dollars for, to study the sex life of a fly. If we let our mind wander for a moment, anyone who would hear that as we were spending taxpayer dollars and suggest what fun one could have with that.

But, Mr. Chairman, it turns out that program was the Screw Worm Eradication program. That was a program that has now successfully eradicated the screw worm not only from the livestock industry in the United States, but also in Mexico. We are hoping to continue to move it completely off the face of this Earth. It has also benefited the wildlife industry tremendously. How many fawns have lived because there was no screw worm to take their life?

So I would ask the indulgence of the body to stick with the committee. They have done a good job. I can criticize the $74 million as not being enough, but that is not what we are here today to do. But I would respectfully say to the gentleman from South Carolina, I know his intent, and he and I have joined on many occasions to reduce spending. But I would use this opportunity to point out to the entire House, we have done a pretty darned good job. We are now down to where we are going to be discretionary spending something like less than 17 percent of the available funds.

At some point in time we who call ourselves conservatives have got to acknowledge that and begin to look seriously at whether or not additional cuts are going to do real harm. I respectfully oppose the amendment, because when we look at the 16 million, if some of these projects would come out, we could do some real harm that I know the gentleman from South Carolina, my friend, would not want to do.

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

Mr. STENHOLM. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

Mr. Chairman, I would make two comments. One would be the semantics between ''cut'' and ''freeze.'' And we might say this differently. I would view this as more of a freeze at last year's level, rather than a cut from a proposed increase.

Secondly, I would make the point that if there is anything arbitrary about what is in here, it is the degree of correlation between not the diseases that are being talked about but the degree of correlation between the grants themselves and membership on the Committee on Agriculture.

Mr. STENHOLM. Mr. Chairman, I appreciate that. But from the standpoint of freeze, I would hope the gentleman would look at it from the total perspective of agriculture, not a particular program. Because if we look at it from the total and the needs that we have, and those needs that were not able to be funded, I believe perhaps the gentleman would have some sympathy for those of us who say it is a cut.

Mr. SANFORD. Mr. Chairman, if the gentleman would again yield, that is fair enough and a point well taken.

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

Mr. Chairman, I stand in opposition to this amendment. While I have enjoyed the company and support on other measures with the gentleman from South Carolina (Mr. SANFORD), I have to stand in opposition to this amendment. I feel that it is important for me to be here to probably tell the rest of the story.

The funds for the wood utilization research go to land-grant institutions in nine States. Maine is one of them. The money does not go to teach loggers how to cut trees more efficiently. Money is used to generate the new knowledge and technologies that are necessary to balance the sustainable use of our timberlands and forest resources with the need to maintain a vigorous forest products industry.

The quality of the science performed with the help of these funds can be shown by the patent applications, the research awards, and the use of the awards by the industry itself.

A couple of examples: it has helped with the environmental improvements in the pulp and paper industry, which I am sure has a presence in the State of the gentleman from South Carolina. The funds have been used to assist in the development of pulping and bleaching technologies that use oxygen delignification instead of chlorine. It is the use of chlorine in the process that creates dioxin.

Last year, the University of Maine received about $890,000 in Federal funds, matched that with $500,000 in program support and industry provided in-kind support of over $250,000. This ongoing research has helped, because as we try to make sure that we are having a sustainable forest program, that we are able to use less-valued timber to be able to make sure that we could create a wood composite so that it would have the same strength and value of a higher grade of timber that could be used in the home construction industry to keep houses affordable and construction costs affordable for small businesses and working families, and at the same time to be able to better create a balanced, sustainable forestry program.

Mr. Chairman, this research is necessary to do that. I do not remember or recall people talking about reducing the research that the NIH was doing that was providing the basic elemental science for the pharmaceutical industry to create drugs which are going to help people with MS and other diseases to better cope with it. I do not remember anybody proposing an amendment to cut those dollars that are providing that research that is going on in the pharmaceutical industry.

But I notice as it pertains to agriculture, and I notice as it pertains to land-grant institutions and the research that is going on there that is helping industry provide and support alternative approaches to creating the opportunities for more economic development and jobs, I see the attacks coming in those directions.

So as a member of the Committee on Agriculture, as a member of the Committee on Agriculture who represents the largest physical district east of the Mississippi, I stand here to defend these programs and the research that has gone on.

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

Mr. BALDACCI. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, the gentleman raises very valid points in terms of the overall net effect of what is done in terms of research. My question would be on some of the things that the gentleman mentioned. On the New York Stock Exchange we find Boise Cascade and International Paper and Westvaco. And given the fact that these are multimillion-dollar corporations, and given the gentleman's advocacy for people in need, and given the fact that there are scarce dollars in Washington, all I am suggesting by this amendment is given the fact that we have publicly traded companies that can do this basic research, why not let them do it, rather than having them subsidized by people who frankly are not so well off in these research projects?

Mr. BALDACCI. Mr. Chairman, reclaiming my time, the gentleman

makes a very good point. But the research is not being done. The resources are being either clear-cut or overharvested, which is creating ripple impacts, which I know the gentleman cares about, in natural resources and in the quality of the environment. In order for us to be protective of our natural resources, creating a sustainable forestry program that is balanced, we need to publicly do the research. And by the ability to enfranchise and have the support of private industry with private dollars, we are able to use a public-private partnership to both protect our public resources and at the same time provide an opportunity for business and industry to create the jobs and opportunities here in this country. So I think it goes hand in hand.

I appreciate the direction that the gentleman is coming from, but I think it is very important that this research go on.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The amendment was rejected.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

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

Mr. HASTINGS of Washington. Mr. Chairman, I want to speak briefly on the amendment previously offered by the gentleman from Colorado (Mr. HEFLEY), which was defeated by a voice vote. I urge my colleagues to also vote ''no'' on that amendment when it comes before us later on.

Mr. Chairman, I want to speak specifically because the asparagus industry, while it is a small specialty crop, is very important in my district.

Let me briefly walk through the asparagus industry. It is a small specialty crop. They assess themselves somewhere around a million dollars for research and market promotion and those monies are obviously spent wisely. But the problem they are having overall is that the foreign competition from other countries comes at a price to our domestic growers, because in large part they are subsidized by their governments.

That has a negative impact on our asparagus industry, because harvesting asparagus is very, very labor intensive, and therein lies the crux of the problem.

□ 1345

Now, I have talked to my growers in my district a number of times, and they said just give us a level playing field and we will compete with anybody because of the quality of their product. And I believe them.

But one of the problems within the asparagus industry that is not new just this year, but going on some 20, 25 years and probably longer than that, is how one can harvest asparagus mechanically because it is very, very labor intensive.

Part of this modest appropriation that was made to this industry was to find ways to reduce the cost of production through alternative production and harvesting. The key word here being harvesting.

So this industry, simply being a specialty industry, is simply not large enough to fund the needed research, and this is a start to try to find what I tell my growers is the elusive automatic asparagus harvester.

So I would hope that my colleagues would join me in voting no on the Hefley amendment, because this is the start where I think ultimately will be, and I cannot tell my colleagues whether it is going to be 1 year, 5 years or 10 years down the line, but with our ability to create technology in this country, I think we will find the means to find a way to harvest asparagus mechanically rather on a manual basis.

So I urge my colleagues to vote no on the Hefley amendment when it comes to the floor later on when we come back to rolled votes.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, just to reinforce the Hefley amendment that takes the research money away from asparagus, I mean, I do not know how many people in this Chamber like asparagus, but have my colleagues noticed the increased quality of that asparagus?

Right now our asparagus farmers throughout this country are facing the competition of losing their ability to produce because of the imports coming in.

Vote against the Hefley amendment. Keep the research going for asparagus. This is a very, very small start.

Additionally, let me say that Michigan is third in the nation in asparagus production, growing on over 16,000 acres at an average annual value of over $20 million.

The asparagus industry is a small farm specialty crop with an average farm size of 65 acres. Asparagus is a very labor intensive crop as it must still be harvested by hand. During the growing season asparagus must be picked by hand daily with the selection of ripe shoots done by hand labor.

When Peru was allowed to export asparagus into the U.S. as a result of the Andean Trade Pact, the U.S. asparagus industry was put at an unfair competitive advantage. While U.S. growers pay at least minimum wage, Peru's average wage is $4 a day. The U.S. industry needs a mechanical harvester to reduce the costs of harvest so they can be competitive with foreign competition. Because asparagus is a minor crop, there is little interest or incentive for private industry to develop a mechanical harvesters.

Until the U.S. asparagus industry can find a way to reduce its dependence on hand labor, it is in danger of surviving due to competition from foreign markets. With cooperative assistance from Washington State University and Michigan State University, this funding will help develop mechanical harvesting technology to succeed in a very competitive marketplace.

Without our assistance, this small but essential industry could disappear from the United States.

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

Mr. Chairman, I would like to enter into a colloquy with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, and the gentleman from Florida (Mr. YOUNG), chairman of the full committee.

In the Supplemental Appropriations bill that the House passed in March, $393,193,000 was included in programs within the jurisdiction of this subcommittee. The Supplemental Appropriations bill, which is coming to the floor sometime this evening apparently, or whenever the final differences of the House and the Senate can be resolved, contains only about $56 million of that amount.

It is my understanding that those items were deleted without prejudice in order that the two bodies might reach agreement on urgently needed funds for the Army and for firefighting in the Western States before the July 4th district work period.

I ask the gentleman from Florida (Mr. YOUNG), is that the correct intent of where we stand?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me. I thank the gentleman for his question.

As he knows, the House did pass this bill with the agricultural interests included in March, and it has taken us this long to reach some kind of a conclusion with the other body. We are prepared with a bill, a supplemental bill that has been scaled down somewhat.

But I would say to the gentleman from Wisconsin, he is exactly correct. We have to move the supplemental as early as possible. The money has already been spent for the Defense Department in Kosovo and other parts of the world. So it is essential that we move the supplemental quickly.

I would say to the gentleman, in response to his question, that I agree with his interpretation. I agree with his intent. There are agricultural matters of interest that were in the supplemental that are of great interest to the State of Florida. We do intend to make sure that we meet those obligations as we go through the further process.

Mr. OBEY. Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, if he can assure the Members of the House that the agriculture items contained in the supplemental will represent the House position when we take the regular fiscal year 2001 appropriation bill to conference with the other body?

Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Wisconsin for

yielding to me, and I would assure him that we worked very hard in developing these priorities in the agriculture section of the supplemental. We recognize that the need for these items is still great. We will make certain that they are addressed in the conference with the Senate.

Mr. OBEY. Mr. Chairman, I am happy to yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I am very grateful for the gentleman from Florida (Mr. YOUNG), the chairman of full committee, for coming to the floor and trying to clarify what is happening here.

As my colleagues know, when our bill was sent to the Senate and we were later called to become conferees, though we were appointed as conferees, we never met as conferees. We never had a chance to sit together. We were not even allowed to work our will on the bill, and many House items fell out as the Senate worked its will. We could not represent the interests of this House and our Members.

I would just like to state for the record that funding for some important programs like Conservation Technical Assistance under the Natural Resources and Conservation Service that help our farmers apply for necessary programs like Wetlands Reserve, Conservation Reserve Program, Conservation Reserve Enhancement Program were dropped. Hopefully, we will be able to restore that so we can get people to apply and to meet the deadlines necessary. One cannot do that without field people out there helping farmers across the country.

Remediating citrus canker, which we had put in the House bill, at nearly $40 million for tree replacement and compensation to growers, was eliminated for some reason; the funds for APHIS to address Pierce's Disease, that is affecting the grape crop in California; were dropped; funds were also removed for the Inspector General, one part of USDA that brings in money as we arrest thieves around the Nation and those who are cheating and committing fraud in these various programs. Further, money was eliminated for our water and waste water grants. We have got people lined up all over the country applying for USDA utilities programs, unable to be served. Through the conference committee that we were not allowed to participate in, over 28 million more dollars removed from that program.

Homeownership loans, resulting in a loss of loan volume of over $296 million, were dropped from the bill. Our mutual and self-help housing grants, assistance to migrant and seasonal farm workers, the replacement of our FDA, Food and Drug Administration, building in Los Angeles—all were dropped out, sometime in the dead of night. We in the House did not have a chance to work our will. Many emergency conservation authorities were removed.

I guess I would just say that I will place in the RECORD a statement that has come to us today from the Clinton administration, the Executive Office of the President and the Office of Management and Budget, that if we do not fix the Supplemental bill, the President's advisors have recommended vetoing this bill. Thus, I am so grateful for the chairman of the full committee and the chairman of the subcommittee standing here today and entering into this colloquy with the gentleman from Wisconsin (Mr. OBEY), the ranking member. It is absolutely essential that these items be restored.

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

(By unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, I yield to the gentleman from New Mexico (Mr. SKEEN).

Mr. SKEEN. Mr. Chairman, we will address all of the items contained in the agricultural section of the supplemental which passed the House.

Mr. OBEY. Mr. Chairman, I yield to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

Mr. Chairman, I just want to add that the position that the gentleman from Wisconsin (Mr. OBEY) and others, as well as the gentlewoman from Ohio (Ms. KAPTUR), indicated that we want the position of the House to prevail.

I appreciate the support and the strong leadership that the chairmen, both of the committee and of the subcommittee, have given to maintain the crisis in which we found ourselves in Eastern North Carolina, and we find that the drainage in Princeville has been eliminated.

I am very appreciative that they are willing to consider that and to maintain that position, because the House voted on that. In the colloquy we had with the gentleman from New Mexico (Mr. SKEEN), he said he would work with us to maintain that at least the drainage that is so desperately needed in a town which was completely flooded would be provided.

This was not new monies. These were just the ability to use monies already appropriated. So the emergency was not creating new drain on the Treasury, it was just giving the authorization for them to use the money that had been appropriated years in the past.

So I want to express both my appreciation to everyone who understand that this is a crisis, and we should do the right thing by responding to it.

Mr. OBEY. Mr. Chairman, I think it is important to recapitulate that what occurred on the supplemental is that the majority party at the staff level had determined that there was a very large amount of money that both the Senate and the House were asking to be included in this bill for everything from citrus canker to dairy supplemental payments to you name it on the agriculture side.

The decision was made by the majority negotiators to eliminate all of those items before anyone else was even brought into the conversation.

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

(By unanimous consent, Mr. OBEY was allowed to proceed for 30 additional seconds.)

Mr. OBEY. Mr. Chairman, at this point, I think it is important for people to understand that we consider those items to be merely deferred, not eliminated, because people are smoking something that is not legal if they think we are going to be able to get out of here without dealing with these problems, because the collapse in farm prices is simply not going to go away, and the Congress is going to have to respond to that.

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

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

Ms. KAPTUR. Mr. Chairman, I want to reexpress my appreciation to the gentleman from Florida (Chairman YOUNG) and the gentleman from New Mexico (Chairman SKEEN) for trying to restore regular order in this House and permitting the Members to exercise their will. The legislative will of the House and its membership must be retained both here on the floor and in the conference committee, and no special set of leaders who may have a higher title than any Member that stands on this floor should have a right to write our conference bill.

We thank them for restoring the power back to the membership where it belongs and to the regular order of the committee process.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: *Provided,* That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

For necessary payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $428,740,000, of which the following amounts shall be available: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors,

$276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,000,000; payments for pesticide applicator training under section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $1,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,309,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $16,188,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $39,541,000, as follows: payments for the water quality program, $12,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $4,000,000; payments for the crops affected by Food Quality Protection Act implementation, $1,000,000; payments for the methyl bromide transition program, $2,000,000; and payments for the organic transition program $1,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $618,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $470,000,000, of which $8,065,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

AMENDMENT NO. 65 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. 65 offered by Mr. WEINER: Page 19, line 4, insert after the first dollar amount the following: ''(reduced by $15,510)''.

Mr. WEINER. Mr. Chairman, I do not expect to take the full 5 minutes. First, I want to thank the gentleman from Ohio (Mr. SKEEN), chairman, and the gentlewoman from Ohio (Ms. KAPTUR), ranking member, of the subcommittee and their staffs for their commitment to our sound agriculture policy.

But this is an opportunity with this amendment to use the matrix between agricultural policies and our human rights policies in how we deal with other countries to have, hopefully, a positive impact on a very important matter.

As we speak, and, frankly, since March of 1999, 13 prisoners have been held on charges of spying by the Iranian government. There has been a trial that has consisted mainly of a kangaroo court where the prosecutor was the same person as the judge who was the same person as the appeals court, et cetera. It is expected that this weekend, there will be a verdict coming down in that case.

What my amendment does is very simple. It strikes a small amount, $15,510 from this section of the bill from the over $400 million, I believe, section of the bill that is APHIS, that is used to deal with imports and imports only from Iran.

What we are saying with this amendment is that Members are watching very closely what happens with those 13 prisoners. What we are saying is that, regardless of how we feel about the policies of Iran, whether we think they are moderating or not, that this case is one that we are watching very closely. We are withholding, albeit temporarily, we are withholding additional benefits for Iranian imports.

I would encourage my colleagues to support this amendment. This is an opportunity for us to, frankly, say the right thing and do the right thing in a symbolic way.

I want to thank the gentleman from New Mexico (Mr. SKEEN), the subcommittee chair, and his staff for his assistance in preparing this amendment.

As I said, I do not anticipate taking my entire 5 minutes. This is an amendment that I have offered.

Mr. Chairman, I yield to the gentleman from New York (Mr. CROWLEY) in the interest of preserving time.

Mr. CROWLEY. Mr. Chairman, I rise in strong support for the Weiner amendment to cut $15,510 from the Animal and Plant Inspection Service, APHIS.

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This symbolic cut represents the amount that has been spent over the last 10 years on the importation of Iranian goods. While only a small cut, this will help send a message to the Iranian government in protest of the sham trial of the 13 Iranian Jews.

Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice. I join them in their anger. These 13 Jews have been wrongfully imprisoned, and some have been forced to confess to the imagined crime of spying for Israel.

When the president of Iran was elected, it was on a platform of moderation and reform supported by the Iranian people. In response to his election, the United States made good will overtures towards Iran, including the lifting of restrictions on Iranian foodstuffs, like pistachios and carpets, as well as easing the travel restrictions on Iranians. Yet despite the rejection of hard-liners in the last election, the leaders of Iran are still on the wrong track.

At a time when the U.S. has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental

human rights and act as responsible member of the world community. When travesties such as this trial continue, it should concern all of us as to our policy towards Iran.

While the State Department pursues its pistachio diplomacy, innocent people in Iran are suffering. The Iranian government must put an end to this sham trial, free the 13, and let them and their families live in peace. Unless they do this, our policy towards Iran will have to change.

Mr. Chairman, I urge my colleagues to support this amendment and keep pressure on Iran. The Jewish community in Iran, especially the 13 Iranian Jews, must know that the United States Congress supports them in their time of need.

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

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

Mr. SHERMAN. Mr. Chairman, the trials are going on now. The 13 Jews charged with spying for the CIA may hear their verdicts on the 4th of July.

This amendment sends a strong message that America is watching. No justice, no caviar. Or at least no caviar imported from Iran.

I want to thank the distinguished subcommittee Chair for, as I understand, his willingness to accept the amendment.

Mr. NEY. Mr. Chairman, I move to strike the last word, and I rise not in opposition to the amendment, but I just wanted to note that as well as these 13 Jews there are also Muslims. There are also Muslims on trial, and I think we should note that.

I am not standing to say I am opposing this amendment, but standing to offer just a few words. I lived in Iran during the last year when the Shah was in power in Iran. If we look back at the history of the two countries, we have to also realize that the United States of America, after Dr. Mossadeq was in charge in Iran, the United States of America pulled a coup on Dr. Mossadeq. The United States, through the CIA, pulled a coup on Iran; and, in fact, we reinstalled the government of our choice. The Iranian people had a revolution, of course, of the Shah, and that can be debated for the next 20 years. But since that period of time, we have had zero contact.

Now, I am not saying this is not a bad move to do, but I will tell my colleagues that we only fool ourselves in this U.S. House of Representatives and the United States Senate when we continuously pass other resolutions and we talk about strictly sanctioning Iran. Iran now has a freely elected parliament, where 78 percent of the people that were running were reform-minded. It has a freely elected president.

We talk about doing business with China, where they hold Catholic priests and bishops in prison; yet we extend every option of trade avenue, and we are told we can reform them by engaging. All I am saying in regard to this amendment is not that I am opposing this amendment, but I am just simply saying that the day shall come when we wake up and realize that there are sins on our side, meaning the U.S., towards years of policy in Iran, and there are some sins on the Iranian side, obviously. At some point in time these two countries have to communicate, and then I think we can change each other's thinking in the sense of how we think towards each other. But maybe also we can change behavior through engagement.

I have also seen and heard talk about the fact that if someone wants to talk to Iran, something is wrong with them. I think there are people on both sides of the aisle that realize the time has long come. We can hopefully help a lot of people on a humanitarian basis if we keep in mind that we need to communicate. So I think this amendment is done in that particular spirit.

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

Mr. NEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I commend the gentleman's words. I think that there is legitimate disagreement about how to encourage these moderate voices that we have heard about to emerge.

One thing we do have to keep in mind, though, as the gentleman points out, is that there are people whose lives quite literally hang in the balance at this moment in time. But I certainly think that being in support of this amendment someone can legitimately hold a position on either side.

We are just saying let us take a symbolic deep breath, step back, and hope we can encourage the behavior we would like.

Mr. NEY. Reclaiming my time, Mr. Chairman, that is the thrust of my point. This amendment, in fact, does not mean that we are necessarily not going to open up avenues someday of communicating so all the Iranian people and all the American people can share a peaceful world.

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

Mr. Chairman, the gentleman has raised a serious issue which all Americans should be aware of, and I congratulate him for it. I would prefer that this cut would come from the budgets of other Federal agencies which are responsible for our import policy. APHIS, of course, is bound by law to inspect cargo wherever it comes from. However, I understand the extreme importance of this issue, and urge all my colleagues to consider the gentleman's words.

Mr. WEXLER. Mr. Chairman, I strongly support the amendment offered today by Mr. WEINER that will reduce funding for the Animal and Plant Health Inspection Service by over 15,000. This amount is more significant than its number, because it represents the APHIS budget that is used to administer Iranian agricultural imports to the United States.

Mr. Chairman, thirteen Iranian Jews were arbitrarily arrested in March, 1999, and are about to be sentenced and condemned by the Iranian Revolutionary Court for crimes they did not commit. Now is not the time to send Iran symbolic victories. Not while the Iranian Court prepares to sentence the thirteen Iranian Jews who are on trial for their religious beliefs, not for anything they have done wrong.

As my colleagues have pointed out, this sham trial was orchestrated by the Iranian government which refused to allow members of the Jewish community, diplomats, or human rights activists to be present in the courtroom and observe the trial. This sham trial undermines the progress we have been anticipating as a result of the recent Iranian elections—which raised our hopes and led to our lifting of sanctions on carpets, caviar, nuts, and dried fruits. Now is not the time to go further.

We must not reward Iran for persecuting religious minorities including Jews, Bahai's and Christians. We must not reward the Iranian government for being the world's leading sponsor of terrorism. We must not reward them for doing everything in their power to destroy the Middle East peace process. And we must not reward the Iranian government for their intensive effort to build weapons of mass destruction. Now is the time for Iran to send the world a positive message.

Mr. Chairman, we have an opportunity right now on the Floor of the House to send a clear message to the Iranian government that their treatment of the thirteen Iranian Jews is unacceptable and will not be rewarded.

If Iran is to become a respected member of the international community, she must immediately end this show trial, release the Iranian Jews, and begin protecting the religious rights of all of her citizens. Until such time, Iran will remain a pariah nation. I urge my colleagues to join me in supporting this important amendment.

Mrs. LOWEY. Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called ''moderation'' of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation:

13 Iranian Jews are currently awaiting sentencing on charges of spying for the United States and Israel. These 13 have been denied due process, were coerced into confessing on Iranian TV, and are being prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just yesterday, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this ''moderation.''

Mr. Chairman, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages

to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not the time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I urge my colleagues strongly to support the Weiner amendment, which would deny funding for the importation of agricultural products from Iran. We owe this to ourselves, as the premiere defenders of democracy throughout the world. And we owe it to the Iran 13, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. PORTER. Mr. Chairman, I rise today to join with my colleagues to condemn Iran for the arrest, imprisonment and current trial of thirteen Iranian Jews on charges of spying for Israel and the United States. These thirteen rabbis, teachers, students and other citizens were arbitrarily arrested in March of last year and held for seventy days without any charges filed against them. In June of 1999, Iran charged them with spying for Israel and the United States.

Finally, in April of this year, the trial of these thirteen Jews began. However, what is currently taking place in Iran is not what any American would recognize as a trial. The judge is acting not only as the judge but also as the prosecutor. The accused were not allowed access to any attorney, court-appointed or otherwise, until just hours before their trial started. Finally, access to the courtroom has been denied to the press, human rights workers and most importantly, to the families of the accused.

The Iranian government has a long history of mistreatment of several of its minorities including the Baha'is, Sunni Muslims, Christians and Jews. More than half the Jews in Iran have fled the country since the Islamic Revolution in 1979, due to the intense religious persecution. Numerous written and unwritten laws exist in Iran limiting the activities of all minorities. Forbidding Iranians to visit Israel and denying the Baha'is access to higher education, government employment and pensions are just two examples of the discrimination which is commonplace throughout Iran.

I am extremely concerned that the Iranian government is treating the thirteen Jews currently being tried with the same disregard for human rights and due process that it has treated so many minorities in the past. Our administration and the international community must do all it can to see that this does not continue. The time for Iran to begin to live up to the principles of the Universal Declaration of Human Rights, including religious freedom, has come.

I commend the gentleman from California (Mr. SHERMAN) for the leadership he has taken on this issue and the gentleman from New York (Mr. WEINER) for his amendment to the Agriculture Appropriations Bill today. The U.S. government should not be lifting any restrictions on trade with Iran until these men are free, and Iran shows the international arena that it is serious about living under that rule of law and respecting basic human rights. I hope and pray that soon we can celebrate the release of these thirteen individuals.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In the current fiscal year, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in the current fiscal year, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word for purposes of entering into a colloquy with the distinguished chairman and ranking member of the subcommittee, as well as the gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. Chairman, I would like to begin by praising the leadership and bipartisan spirit brought to this subcommittee by the gentleman from New Mexico (Mr. SKEEN). His work in promoting the needs of agriculture, forestry, and domestic nutrition programs will be long hailed in this Chamber and throughout our Nation well into the future.

As the Chairman and ranking member know, the Asian Longhorned Beetle has done tremendous damage to trees and parkland areas throughout both New York City and the Chicago metropolitan areas. In my congressional district, which is comprised of a diverse swath of middle- and working-class neighborhoods in Queens and the Bronx, New York, many of the few trees we do enjoy have either fallen victim to or remain seriously threatened by the Asian Longhorned Beetle.

Specifically, the neighborhood of Ridgewood, Queens, in my congressional district has seen a virtual destruction of many of their trees, very treasured trees, from this unwelcome pest. Therefore, it is of great concern to my constituents that the adequate resources are allocated for the elimination of this invasive species before it strips our entire city bare of its trees and greenery.

Last year, this subcommittee, under the leadership of the chairman, the gentleman from New Mexico (Mr. SKEEN), and ranking member, the gentlewoman from Ohio (Ms. KAPTUR), provided both a direct appropriation to the Animal and Plant Health Inspection Service, otherwise known as APHIS, to combat the Asian Longhorned Beetle, as well as language granting the Secretary of Agriculture the authority to use Commodity Credit Corporation emergency funds and Emerging Plant Pest funds to address this issue.

These funds serve as an important investment in my congressional district, and I am extremely grateful that the subcommittee has again included similar language in this bill regarding CCC and Emerging Plant Pest funds for New York City.

Having stated that, I would like to request the assistance of the chairman and the ranking member in conference to work for an increase in direct funding for APHIS for its Asian Longhorned Beetle project so that they may continue their efforts in working to rid America of this destructive invasive species.

Additionally, I have grave concerns about the pace at which the Office of Management and Budget is releasing these emergency CCC funds for invasive species emergencies throughout the United States when the Secretary has already requested them. I recognize and appreciate the fact that the House report accompanying this measure addresses this problem. I am hopeful that working with both the Senate and the administration we will be able to rectify the situation.

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

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

Mr. BLAGOJEVICH. Mr. Chairman, I thank the gentleman for yielding to me, and I want to commend the gentleman on his leadership. New York and Chicago have a great deal of things in common. Unfortunately, this is another thing that New York City and Chicago have in common.

Chicago, Mr. Chairman, is a great city. We have great trees, we have great parks; and the last time I checked, we still had Sammy Sosa. But 2 years ago in Chicago, residents of the Ravenswood community, in my congressional district, discovered that the trees in their neighborhood had fallen pry not to the New York Yankees but to the Asian Longhorned Beetle.

This Asian Longhorned Beetle, Mr. Chairman, is a pest which destroys trees by burrowing into their trunks. Within weeks many of the trees which had shaded neighborhoods for years had to be removed to stop the spread of the Asian Longhorned Beetle.

The Asian Longhorned Beetles are not natives to the United States. They are stowaways who came here in packing crates from Asia. These beetles infest our trees by burrowing inside and hatching larvae. This destroys the tree's structure from inside out. And once the tree is infected, Mr. Chairman, there is no way to save it except that it must be destroyed in order to prevent it from infecting other trees.

Mr. Chairman, I would urge the gentleman from New Mexico (Mr. SKEEN)

to recognize that the Congress has in the past provided funding to contain the Asian Longhorned Beetle, and I would hope that the chairman's leadership can secure funding again this time around.

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

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

Mr. SKEEN. Mr. Chairman, I thank the gentleman from New York and the gentleman from Illinois for their comments and would like to take a moment to recognize them for their work on behalf of their constituents to address the problem of the Asian Longhorned Beetle and work for its eradication. That is why the gentlewoman from Ohio (Ms. KAPTUR) and I have included language, both this year and last year, stating the destructive nature of the Asian Longhorned Beetle, as well as directing the Secretary to use CCC emergency and Emerging Plant Pest funds to address this situation.

I will make my best effort in conference for the inclusion of additional resources for the Animal and Plant Health Inspection Service, known as APHIS, as they have done good work in addressing not only the problem of the Asian Longhorned Beetles but with a variety of other invasive species as well.

Additionally, I will work for increased resources to assist the Asian Longhorned Beetles project at APHIS. I recognize that if left unchecked the destruction of our Nation's trees, parks, and forests by the Asian Longhorned Beetle could cost tens of billions of dollars. Furthermore, I will continue the work the committee began to seek redress in the procedures used by the Office of Management and Budget in releasing emergency CCC funds requested by the Secretary.

Again, I thank the gentleman from New York and the gentleman from Illinois for their comments.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word, and want to continue a bit on this colloquy on the Asian Longhorned Beetle.

I, too, would like to join with the chairman of our subcommittee, the gentleman from New Mexico (Mr. SKEEN), and state that I will work in conference for increased funding for the Animal and Plant Health Inspection Service so it has the resources to effectively battle such invasive species as the Asian Longhorned Beetle, the citrus canker, and the Glassy-Winged Sharpshooter, among others.

And I want to say to our colleagues, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), that we know what leadership they have taken here in the Congress in bringing our attention to the problems that their home communities are facing. I hear that in New York City this week there have been additional sightings of the beetles near Central Park. And having traveled to New York and Chicago, I can only imagine your park directors and what they are going through, because we have no known predator for this creature. The only solution we have is to basically cut down the trees and burn them.

Of course, we know that these creatures came in in packing crates from China, both in the wood and in the cardboard inside, unfortunately; and we are now trying to take more precautions to fumigate those crates when they come in here, but this is a very, very serious problem. And because there is no known predator, adjacent States that have agricultural production, for example in maple sugar and maple syrup, those forests are threatened, those groves and stands of trees are threatened by this very same insect.

So we hear the concerns of both the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. BLAGOJEVICH), and we will absolutely be bringing this to the attention of the conferees.

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

Ms. KAPTUR. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, the one thing I would like to say, and the gentlewoman just made reference to it, I would like to put in people's minds the picture of Central Park. It is one of the treasures of not only New York City, New York State, but really of this country. It is probably one of the most famous parks in all the world. Imagine what it would look like without any hard wood trees. Unimaginable.

□ 1415

But the threat does exist and it is there.

I want to thank the gentlewoman and the gentleman for their work and I want to thank them in advance for their efforts very, very much.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, we thank both the gentlemen for coming down and leading the entire Congress and country in trying to resolve a problem that may have started in their community but is spreading just as the gypsy moth did many, many years ago.

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

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HASTINGS of Washington) assumed the Chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

The SPEAKER pro tempore. The Committee will resume its sitting.

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

The Committee resumed its sitting.

AMENDMENT NO. 14 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. 14 offered by Ms. KAPTUR:

Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, $53,100,000, to remain available until expended: *Provided,* That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

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

Ms. KAPTUR. Mr. Chairman, the amendment we are proposing today would provide an additional $53.1 million in emergency appropriations to the Department of Agriculture's Animal and Plant Health Inspection Service to deal with emergency situations we have been talking about today dealing with pests and diseases.

The additional amounts would bring total funding up to what the President's 2001 budget request had asked for in four critical lines within what we call APHIS, the Animal and Plant Health Inspection Service, budget. These include emerging plant pests, invasive species, fruitfly exclusion and detection, and the contingency fund itself.

The bill, as reported by the subcommittee, provides $57.1 million less than requested for the first items listed and very partially offsets this shortfall by providing $4 million more than requested for the contingency fund. Our amendment eliminates the $53.1 million shortfall in this very, very important account.

Now, these budget items are used by the Department of Agriculture to combat serious outbreaks of pests and diseases. People should think about their communities and some of the little green and yellow boxes that are put up on trees to detect what is happening across this country. We have just heard from two very distinguished Members from Illinois and from New York on the Asian longhorned beetle infestation

which started in New York City and Chicago, Illinois.

We have heard other Members this morning, including the gentleman from Florida (Mr. BOYD), a member of our committee from Florida, talking about citrus canker and the removal of entire groves of limes and of orange trees in Florida.

We heard from the Members of the Pennsylvania delegation about plum pox in Pennsylvania and the impact on fruit trees and the spread of that pox across the fruit regions of our country.

Members from California have spoken with us about Pierce's disease, which affects grapes in California and threatens our entire wine industry. Though these creatures may be small and we can hold them in our hands and some of the viruses and cankers we cannot even see but under a microscope, their economic devastation is gigantic, mounting to billions and billions of dollars annually.

In the State of Michigan, the unfortunate incidence of bovine tuberculosis which can spread across that State and has spread to where now animals cannot leave that State unless inspected also would be covered by these accounts.

Mediterranean fruitflies that threaten agriculture in wide sections of the South.

These truly are emergencies. The report references the fact that these are situations that create havoc across the country. We believe they are important enough in a multibillion-dollar bill that we should restore the full account to the $53.1 million net additional dollars needed to truly meet the national need.

Now the subcommittee's report acknowledges that the administration, by using its powers under the Commodity Credit Corporation, might be able to deal with some of these emergencies. But the administration maintains that the use of these powers is not appropriate for the kind of ongoing remediation that these difficulties cause.

So this amendment simply provides the emergency funding that everyone agrees is necessary, and we should certainly restore these dollars in the bill as will be finally reported out of the House, hopefully today.

Mr. Chairman, I ask the membership for a favorable vote on this. I would hope that the objection might be withdrawn and that we could include these dollars that are so much, very much needed to help preserve our production and our ecosystems across our Nation coast to coast.

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

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

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

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

Mr. Chairman, I rise in strong support of the Kaptur amendment. This language will increase the funding for the Animal and Plant Health Inspection Service, otherwise known as APHIS, by $53 million.

I believe the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, has been extremely eloquent on why we need these funds and why they should be designated as emergency funds.

This Congress repeatedly spends billions of taxpayer dollars overseas and abroad to foreign nations and certifies those expenditures as emergencies so that no offsets are needed to be found to fund those expenditures. But whenever we have a real crisis here in the U.S., we always need to find offsets. This Congress can never seem to find the resources we need to help Americans when Americans need that help.

We have a crisis evolving with invasive species. These are real emergencies. The Citrus Canker is destroying the Florida orange crop. The Glassy-Winged Sharpshooter is ruining our domestic wine stocks. And the Asian longhorned beetle is downing thousands of hardwood trees throughout New York City, Chicago, and now in Vermont.

Let us help Americans today and provide these emergency funds to APHIS to eradicate these invasive species in our country. This is an emergency, and this Congress should recognize it as such.

I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for all her efforts on behalf of this emergency funding.

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

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

Mr. Chairman, first of all I want to again compliment my friend, the gentleman from New Mexico (Mr. SKEEN) in the way that he handles the committee. He and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, do a wonderful job of trying to address the issues and deal with the priorities that the Federal Government and this specific subcommittee should deal with.

I want the Members, Mr. Chairman, to understand where our priorities should be in terms of the work of this subcommittee.

The people of this Nation and the businesses of this Nation, specifically the agriculture business, expect the Federal Government to protect its borders. That is a basic criteria or basic function of the Federal Government, to protect its borders.

These invasive species that we have been talking about this morning, we need to understand they are called invasive species because they come from other places, they are not indigenous to this country. They come into this country through the ports. They might be brought in in a commercial business transaction, or they might be brought in by a tourist that is visiting from another country or somebody who has left this country to go and then comes back.

The species that we have heard about, the Asian longhorned beetle, the Glassy-Winged Sharpshooter, plum pox, Citrus Canker, the African hardwater tick all have come from other countries through our borders, through our ports. It is the obligation, the responsibility, of this Federal Government to protect those borders; and we are not doing a very good job of it right now. That is what the amendment of the gentlewoman attempts to do is to find more money so we could do a better job.

We just dealt with the research side. We know that we have to continue to do the research to find preventive measures or cures for these problems. But right now we are working on the APHIS part, the Animal and Plant Health Inspection Service.

So I would encourage the body to let us find this additional money. I know it is not the wish of the gentleman from New Mexico (Mr. SKEEN), the kind chairman, that we do not have more money here. It was not his decision. But that was the allocation that he was given, and so he is having to work with what he has. But I think this body can express its will and come up with more money to protect its borders, and that is very important.

Again, Mr. Chairman, the American people and its businesses, particularly the agricultural industry, we expect a good and clean and safe food supply; and it is under attack right now.

I know more about the Citrus Canker issue than I do about any others. We have an $8 billion industry in Florida that is being threatened. It just so happens that the lime industry has already been wiped out, 3,000 acres of limes in Florida. There is a very small number of lime trees in California. But if we eat a lime or use a lime wedge in our martini from now on, we will get it from some other country because the lime industry in this country has been wiped out by Citrus Canker. And we have allowed that to happen because we have not protected our borders.

That is what the amendment of the gentlewoman is trying to do, provide the funds and resources to protect our borders. I would encourage the body, this House of Representatives, to recognize that and find the money to do what she is trying to do.

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

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

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

Mr. Chairman, in the past week, USDA has announced the release of more than $70 million in CCC funds to combat plant and pest infestations.

OMB had tried to shift funding for these large programs into appropriated accounts this year. But given the dimensions of the problem, there is no

way that we can afford to use the appropriated dollars.

I believe OMB has finally come to its senses with the release of the CCC funds this past week. This is how it should be done.

I would ask the gentlewoman from Ohio (Ms. KAPTUR) to withdraw her amendment. And if she cannot, I regret I must insist on my point of order.

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

Mr. SKEEN. Mr. Chairman, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I would hope that as we move toward conference we might try to find an accommodation. I hesitate to withdraw the amendment because I think it speaks for itself. But I respect the opinion of the gentleman and would hope that as we move forward we might be able to meet these needs across our country.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Kaptur amendment and would like to thank her for offering this language today.

This language will increase funding for the Animal and Plant Health Inspection Service (APHIS) by $53 million.

Congresswoman KAPTUR was very eloquent in her remarks on our nation's need for these funds and the importance of designating them as an emergency appropriation.

Time and time again, this Congress has sent billions of taxpayer dollars abroad and certifies it as emergency spending, requiring no offsets for these expenditures.

But whenever we have a real crisis in America, Congress always demands the need to find offsets—this Congress can never seem to find the resources to help Americans when we need it.

We have a crisis involving invasive species and it is a real emergency.

The citrus canker is destroying the Florida orange and lime crop; the glassy-winged sharp-shooter is ruining our domestic wine stocks and the Asian Longhorned Beetle is downing thousands of hardwood trees throughout NYC, Chicago and threatening the maple syrup industry in Vermont.

Let us help Americans today and provide these emergency funds to APHIS to eradicate these invasive species in our country.

This is an emergency and this Congress should recognize it.

I thank the Gentle Lady from Ohio for her steadfast dedication to the people of this country who are concerned about plant and pest diseases.

You are a true leader and a representative for all of the people.

The CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) ask unanimous consent to withdraw her amendment?

Ms. KAPTUR. Mr. Chairman, I did not ask unanimous consent to withdraw the amendment.

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

POINT OF ORDER

Mr. SKEEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation 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 CHAIRMAN. Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. Mr. Chairman, yes, I would like to be heard.

Mr. Chairman, I point out again how our country is currently dealing with a number of very serious new or resurgent agricultural pest and disease problems that threaten crops and trees and animals in many different parts of our country. We seem to be able to find funds to do many things in this legislation, as well as in the supplement, to fund counternarcotics programs in Colombia. Well, I would very much like to be able to fund needs in our country, especially those that threaten so very much damage.

Just to summarize, in Florida, Citrus Canker is threatening Florida citrus groves. In Chicago and New York and in those States of New York and Illinois the Asian longhorned beetle, with no known predator. Bovine tuberculosis, which was thought to be eradicated in our country but is now spreading in Michigan, imposing heavy costs on that State's dairy and cattle industries.

□ 1430

Plum pox, a disease of peaches and plums and cherries and other stone fruits normally found only in Europe and Asia first detected in Pennsylvania last year and now threatening fruit growers in that State and likely to spread. Mediterranean fruit flies which appear only sporadically in our country but when they do they cause great damage; and should that infestation reach the southern United States, we would experience disastrous losses to fruit and vegetable industries.

Now, I think that the appropriate way to handle this is to directly place the dollars in the account, not expect that an ongoing eradication program should be done through the Commodity Credit Corporation, which is generally used for emergencies only.

So I would just say that it is vital we stop these pests and disease outbreaks from spreading and failure to do so is extremely costly. I do not think we should be burdening USDA's Commodity Credit Corporation authority with having these ongoing responsibilities.

I think it is far more reasonable to provide the resources needed to stop these pests, and I would urge the membership to pay attention to this particular debate.

I am sorry that the gentleman has to exercise his point of order.

I would be pleased to yield to the gentlewoman from New York (Mrs. MALONEY) if she seeks time on the issue.

The CHAIRMAN. The Chair is prepared to rule on the point of order and would ask that the comments be directed toward the question of whether or not this amendment is in order.

Ms. KAPTUR. Would I be able to yield time to the gentlewoman from New York (Mrs. MALONEY) on the point of order?

The CHAIRMAN. Not on the point of order.

Does the gentlewoman from New York (Mrs. MALONEY) wish to be heard on the point of order?

Mrs. MALONEY of New York. I really feel that there is not a point of order to this because it really is an incredibly important crisis in our country, and I would like to have the opportunity to compliment the gentlewoman from Ohio (Ms. KAPTUR) for her leadership and for bringing this to the floor. The increase for the animal and plant and health inspection service is absolutely critical. With trade has come an influx of many invasive species that if we do not adequately control them can literally destroy forests, as they have in my district in New York with the Asian Longhorn beetle, for which there is no known way to stop it except to chop down the tree and everything else around the vicinity.

I feel that this is an incredibly important appropriations she is talking about, and I really support it completely, and that it is important to the health and safety and well-being of Americans and of our vegetable life and our plant life and our other areas that she mentioned.

So I am here strongly in support of her amendment and strongly suggest that the rule of order not be put in place because this is so critical, really, to the concerns of this Nation.

Ms. KAPTUR. Mr. Chairman, I would like to appeal to the Chair and ask unanimous consent of the membership for an additional minute and a half, if I might, in addressing the point of order.

The CHAIRMAN. The Chair would request that the Members confine their arguments to whether or not this amendment is in order.

The Members may strike the last word at an appropriate time and debate and make comments about this particular amendment, but at this point the Chair is prepared to rule on the point of order, unless there is further arguments as to whether or not this amendment is in order.

Ms. KAPTUR. Mr. Chairman, I would ask unanimous consent for an additional minute and a half to address the point of order issue.

The CHAIRMAN. The Chair cannot entertain a unanimous consent request at this point because the point of order is pending.

Are there further arguments on whether this amendment is in order?

At this time, the Chair is prepared to rule. The Chair finds that the amendment includes an emergency designation under Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. 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.

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

Mr. Chairman, in regard to the proposal on the amendment dealing with the Animal Plant Health Inspection Service, I just wanted to read into the RECORD a statement of policy that I think is important to be appended to this debate today, and it comes in the form of a letter from the Office of Management and Budget dated June 29, 2000, from the Executive Office of the President concerning plant pests and diseases.

It says: ''The administration places a high priority on fighting plant pests and diseases, especially when there are invasive species that may be eradicated before becoming an established threat. To combat sudden outbreaks of invasive species, the administration has used emergency transfers through the Commodity Credit Corporation at a level that is much higher than the two previous administrations combined, and we continue to support the use of Commodity Credit Corporation funds in cases of unforeseen emergencies. However, where eradication efforts extend over several seasons, costs are predictable and should be incorporated into the discretionary appropriations process. Therefore, to address ongoing plant pest and disease outbreaks, the administration has proposed substantial appropriations in the 2001 budget. The Committee bill has not provided these appropriations, thereby requiring a corresponding increase in emergency spending from the CCC for activities that can no longer be considered unforeseen.''

The issue of proper compensation to producers for losses due to invasive plant pests and disease has grown more complex recently as the variety and complexity of outbreaks have increased. Legislative and administrative actions to provide compensation for invasive species losses would be better guided by a policy that distinguishes between compensation as part of eradication efforts and compensation as reimbursement for natural disaster losses due to infestations rather than through event-specific supplementals.

The administration believes there should be a more systematic approach to making these decisions and will be sending to Congress a set of recommendations that it hopes can be used as a framework for discussion with Congress on this issue.

I reiterate, in the President's cover letter it says he would recommend that this bill be vetoed if it were presented to him in its current form.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentleman from Iowa (Mr. LATHAM), a member of the committee.

As the gentleman knows, in the Taxpayer Relief Act of 1997, Congress enacted a 3-year income averaging provision to protect farmers and ranchers from excessive tax rates in profitable years. Unfortunately, a ruling by the Internal Revenue Service late last year could potentially cost farmers and ranchers thousands more in taxes each year and is inconsistent with the intent of Congress.

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

Mr. GREEN of Wisconsin. I yield to the gentleman from Iowa.

Mr. LATHAM. Yes, that is correct.

Mr. GREEN of Wisconsin. Last October, the IRS proposed final regulations for income averaging failed to clarify that taxable income in the income averaging formula could in fact include a negative number. Current instructions that accompany schedule J of Form 1040 require that taxable income cannot be less than zero. Earlier this year, I introduced H.R. 4381 to address this unfortunate situation. This legislation simply amends the Internal Revenue Service code of 1986 by permanently taking into account negative taxable income during the base 3-year period.

I believe this legislation, once passed, will codify Congress' original intent and ensure that farmers and ranchers receive the protection they deserve. Unfortunately, I understand that introducing H.R. 4381 as an amendment to this appropriations bill would violate House rules that prohibit legislating on an appropriations bill.

As a result, I would ask for the gentleman's assistance and the assistance of the committee in working with me to present this legislation to the Committee on Ways and Means.

Mr. Chairman, I thank the gentleman from Iowa (Mr. LATHAM) for his efforts on this subject. I know the gentleman from New Mexico (Mr. SKEEN) and I also believe the IRS's interpretation needs to be changed and regret that it cannot be done at this time.

I have also seen the rapid and dramatic price fluctuations that farmers and ranchers are so often subject to. The goal of the Taxpayer Relief Act of 1997 was to help reduce the tax effect of these large fluctuations. I agree with the gentleman that the IRS's interpretation will dramatically impair the effectiveness of this legislation. I look forward to working with the gentleman on this important matter, as does the chairman.

Mr. GREEN of Wisconsin. I thank the gentleman and the chairman for their help and their attention to this matter.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,200,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $56,326,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That, only after promulgation of a final rule on a National Organic Standards Program, $639,000 of this amount shall be available for the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Standards Program and such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES LEVEL

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,500,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $27,801,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one

building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $446,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $673,790,000, of which no less than $585,258,000 shall be available for Federal food inspection, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That the Food Safety and Inspection Service may expend funds appropriated for, or otherwise made available during fiscal year 2001 to liquidate overobligations and overexpenditures incurred in fiscal years 1997 and 1998.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $572,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $828,385,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,128,000,000, of which $1,000,000,000 shall be for guaranteed loans; operating loans, $3,177,868,000, of which $2,000,000,000 shall be for unsubsidized guaranteed loans and $477,868,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $2,006,000; for emergency insured loans, $150,064,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $18,886,000, of which $5,100,000, shall be for guaranteed loans; operating loans, $129,534,000, of which $27,400,000 shall be for unsubsidized guaranteed loans and $38,994,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $323,000; and for emergency insured loans, $36,811,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $269,454,000, of which $265,315,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $67,700,000: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $27,771,007,000 in the President's fiscal year 2001 Budget Request (H. Doc. 106–162)), but not to exceed $27,771,007,000, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961.

AMENDMENT OFFERED BY MR. HAYES

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

The Clerk read as follows:

Amendment offered by Mr. HAYES:

Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

Mr. HAYES. Mr. Chairman, I rise to offer an amendment which is about existing benefits resulting from research. It is also about badly needed health breakthroughs which are dependent on future research using the tobacco plant.

Recently I, along with the senior Senator from North Carolina and the senior Senator from Indiana, sponsored an appropriation for $3 million for North Carolina State University and Georgetown University Medical School to conduct cervical cancer research using the tobacco plant. There are high hopes and optimism that a preventive vaccine and ultimately a cure can soon be produced.

These institutions have written letters outlining the goal of this research, which is to develop a preventive vaccine for this terrible cancer.

In addition, other institutions, such as Virginia Tech, are conducting similar health and pharmaceutical-related research on such diseases as Parkinson's, Gaucher's disease, providing clot dissolving drugs and even preventing tooth decay, all uses from tobacco plants.

□ 1445

The potential benefits to medicine, health and industry are limitless.

Mr. Chairman, I am going to ask that letters from these institutions, as well as a letter of support from the North Carolina Farm Bureau, a press statement from the Campaign for Tobacco-Free Kids, who are supporting this type of research, be placed into the RECORD at the appropriate time.

We are on the verge of a number of critical breakthroughs which are so vital to our Nation's health. There is language in the present bill that prohibits money from being spent on tobacco research. Although possibly well-intentioned, this language prevents medical, agricultural, and industrial research that is vital to our Nation's health and the economic health of our farm families.

I want to make clear the types of research that I am speaking of are new breakthroughs. Research that can affect the lives of millions of Americans and provide life-saving vaccines and countless other medical, scientific, and economic benefits.

The tobacco plant has unique characteristics which allow it to produce large volumes of high-quality proteins which are vital to medical, pharmaceutical and scientific research.

The potential for new pharmaceuticals is unlimited. The ability to reduce the costs of new and existing drugs is also unlimited. It is this type of research I seek to preserve and expand with this amendment.

Mr. Chairman, I urge my colleagues' support.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from North Carolina (Mr. HAYES) for yielding to me and thank the gentleman for introducing the amendment.

I want to join in support of this and say this is an opportunity to see how we can use tobacco for something other than for recreational use. It also is an excellent opportunity for medicinal and production goods, for enhancing the protein content for feeding of livestock, and I think it has potential economic advantage for the farmers in our areas who are really trying to find a quality value for tobacco other than being challenged as they have been about the health issues.

I think this is a worthwhile issue, and I urge my colleagues not to apply any predisposition to this and see this in a very positive way and to support the amendment.

Mr. HAYES. Reclaiming my time, Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for her very thoughtful comments. I also have supporting comments from the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. CUNNINGHAM), which I will ask them to insert in the RECORD later.

Mr. Chairman, I urge my colleagues' support.

GEORGETOWN UNIVERSITY
MEDICAL CENTER,
Washington, DC, June 27, 2000.

Hon. C.W. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing in support of Congressman Hayes' amendment to the agriculture appropriations bill that would allow money to be spent on research for alternative uses for tobacco. Your support of this amendment will allow funding for an alternative use of a genetically modified version of the tobacco plant capable of producing a vaccine for the potentially prevention and cure cervical cancer.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is the second most common malignancy found in women.

Clinical studies have confirmed that the human papillomavirus, or HPV, is the primary cause of cervical cancer. In order to develop a vaccine, large quantities of HPV fragments are required. Unfortunately, this virus does not grow under normal laboratory conditions. The tobacco plant, however, shows tremendous promise to serve as a vessel in which an HPV fragment could be cultivated.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of HPV fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

We greatly appreciate the recent appropriation of $3 million funding for this study that will permit North Carolina State University (NCSU) and Georgetown to explore this promising new vaccine. While this appropriation was not included in the FY '01 agriculture appropriations, we appreciate your attention to this matter and appreciate your support. Your support is critical for finding a cure to cervical cancer. Thank you.

Sincerely,

KENNETH L. DRETCHEN, Ph.D.

NC STATE UNIVERSITY,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, thank you for your leadership in supporting the research of scientists at North Carolina State University and Georgetown University Medical Center in their quest to develop a vaccine against cervical cancer. Working together, our researchers aim to grow the vaccine in tobacco. However, a critical obstacle must be overcome in order for our important work to proceed: the research project needs Congressional authorization to grow the vaccine in tobacco. To this end we urge you to support Congressman Robin Hayes' amendment to the agricultural appropriations bill to allow this valuable research to proceed.

Our researchers propose to engineer tobacco plants so that the plants produce a vaccine that can be used to immunize women against Human Papilloma Virus (HPV). We hope you agree that research using genetically engineered tobacco to produce vaccines and other valuable products is inherently different from earlier work intended to produced improved tobacco varieties for the benefit of growers. Therefore, this type of work should be exempt from any regulations that seek to limit federal support for tobacco research. Indeed, it is in the best interest of the country as a whole to foster such efforts wherever possible, both to produce valuable and desperately needed commodities, and to develop wholly new market opportunities for American farmers.

This joint North Carolina State University-Georgetown University Medical Center is an excellent example of this type of research. Genetic engineering of tobacco can result in production of the HPV vaccine. Currently there is no economical method for producing this vaccine. Tobacco was chosen for this work because it is relatively easy to engineer so that it will produce the vaccine. Further, tobacco products more green biomass per acre than any other crop, thus containing input costs and reducing the ultimate cost of the vaccine.

Developing a cost-effective means to reduce the incidence of MPV infection is critically important because this virus causes virtually all cervical cancers. Cervical cancer is the leading cause of cancer-related deaths in women worldwide. The disease typically manifests during a time of life when women are rearing their children, thus putting at risk both the women who succumb to the disease and the children they leave behind.

A peripheral goal of the research is to identify other potentially useful products that can be derived from green biomass, and develop efficient methods for their purification. Already several compounds have been identified that have potential use in formulating both medical and consumer products. Recovery of such compounds will generate additional product streams that could be derived from the same plants that are making the HPV vaccine. Each of these products represents a potential new market that could help to keep farming profitable during this difficult time of transition and competition in the global marketplace.

I strongly urge you to support this amendment to encourage these valuable research efforts.

Sincerely,

MARYE ANNE FOX,
Chancellor.

VIRGINIA TECH,
Blacksburg, VA, June 29, 2000.

Hon. RICK BOUCHER,
House of Representatives,
Washington, DC.

DEAR RICK: Virginia Tech is a leader in the development of technology that uses tobacco plants for the purpose of producing human pharmaceutical products. Two years ago, a team of Virginia Tech scientists demonstrated the feasibility of producing human therapeutic proteins in genetically engineered ''transgenic'' tobacco plants. The Virginia General Assembly has provided significant funding to the University for transgenic biotech research involving the tobacco plant

and Tech's scientists are hard at work to exploit new biomedical uses of this plant.

As you know, a team of Virginia Tech scientists, working with CropTech of Blacksburg, has introduced segments of human DNA into the genes of tobacco. Those segments instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs. Among their achievements so far are tobacco plants that produce a human protein that is part of blood clotting/anticlotting chemistry. This protein is presently extracted from human blood plasma for testing by hospitals.

Just last month another team of our scientists announced the discovery of a compound found in the tobacco plant that inhibits the growth of an enzyme that may be a significant causative factor in Parkinson's Disease in humans.

I understand that an amendment may be offered to the Agriculture Appropriations bill (HR. 4461) that would remove existing limitations on the use of funds that restrict the use of agricultural research funding for research on medical, biotechnical, and other uses of tobacco. Such a modification in existing agricultural research policy appears to be appropriate in order to encourage the many promising uses of tobacco that are being developed at Virginia Tech and elsewhere.

I ask that you give such an amendment every appropriate consideration.

Sincerely,

CHARLES W. STEGER,
President.

NORTH CAROLINA
FARM BUREAU FEDERATION,
Raleigh, NC, June 29, 2000.

Hon. BILL YOUNG,
House of Representatives,
Washington, DC.

DEAR CHAIRMAN YOUNG, the North Carolina Farm Bureau supports the effort to include legislative language in the FY 2001 Agriculture Appropriations bill providing enhanced research alternatives to produce a vaccine that could potentially prevent and cure the human papillomavirus, or HPV, a primary cause of cervical cancer.

Recently, it has become feasible to biologically engineer tobacco to produce high-value foreign proteins, including a potential vaccine for the papillomavirus. Once developed, this detoxified version of these HPV protein fragments can then be injected into the human body. These genetically engineered proteins would trigger our natural immunization defense system and create a resistance to the harmful strain of HPV. This treatment could also serve as a cure for existing HPV.

Cervical cancer is the most common cause of cancer-related death among women worldwide. Every year in the United States, approximately 15,000 women are diagnosed with cervical cancer and 5,000 women die of this disease. Worldwide, cervical cancer affects 500,000 women annually, and, after breast cancer, it is second most common malignancy found in women.

Again, we applaud your efforts in supporting the use of tobacco plants in genetic research benefiting many Americans.

Sincerely,

LARRY B. WOOTEN,
President.

CAMPAIGN FOR TOBACCO-FREE KIDS

STATEMENT OF THE CAMPAIGN FOR TOBACCO-FREE KIDS CONCERNING RESEARCH ON GENETICALLY MODIFIED TOBACCO FOR NONHARMFUL PURPOSES

In the last several years and because of advances in the area of biotechnology, some researchers believe that it may be possible that the tobacco plant, long known to cause serious disease and addiction, may be genetically altered to produce medicines that may be beneficial. These developments may present new opportunities for public health as well as for tobacco producing communities.

The Campaign for Tobacco-Free Kids encourages continued research into the use of genetically modified tobacco for nonharmful and non-traditional uses, in particular uses that may help treat disease rather than causing it.

We wish to emphasize that these products like all products that contain tobacco, whether used for smoking purposes, chewing purposes, or in this case pharmaceutical purposes, should be fully regulated by the Food and Drug Administration.

[From the Virginia Tech Spectrum, June 9, 2000]

CASTAGNOLI'S DISCOVERY MAY PROTECT AGAINST PARKINSON'S DISEASE

(By Sally Harris)

In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

Parkinson's disease, a central-nervous-system disorder, causes the gradual deterioration of neurons in the section of the brain that controls movement. The brains of patients with Parkinson's disease typically have less of a neurotransmitter called dopamine. Studies have shown that smokers are 50 percent less likely to get Parkinson's than non-smokers, but no one has isolated a particular substance in tobacco that may be responsible for that phenomenon.

Neal Castagnoli, director, and Kay Castagnoli, senior research associate, at Virginia Tech's Harvey W. Peters Center in the chemistry department, located in the College of Arts and Sciences, conducted research that has led to the isolation of a compound in tobacco that protects against the loss of dopamine in mice and thereby may protect against the development of Parkinson's Disease.

''Joanna Fowler, a scientist at Brookhaven National Laboratory in New York, found by positron emission tomography (PET) imaging that smokers' brains have 30 to 40 percent lower levels of monoamine oxidase (MAO),'' Kay Castagnoli said. MAO normally breaks down neurotransmitters such as dopamine, serotonin, and norepinephrine. Since the Castagnolis had already been conducting research involving MAO and neuroprotection, ''We thought about the connection,'' Castagnoli said.

They decided to examine if there was a substance in tobacco that inhibits MAO. Ashraf Khalil, a post-doctoral fellow in the group, was able to separate and characterize a compound called 2,3,6-trimethyl-1,4-napthoquinone, or TMN, which was also known to be present in tobacco smoke and proved to be an inhibitor of MAO.

Using mice, the Castagnolis first administered TMN and then a potent neurotoxin, MPTP, a contaminant that had been discovered in a street drug sold in the early 1980s. The drug was meant to mimic the effects of heroin, but addicts who took large doses of the synthetic heroin suffered severe Parkinsonian symptoms. Neal Castagnoli, then working at the University of California at San Francisco, was one of the scientists who determined what caused the brain to turn the contaminant into a toxin that caused many of its users to develop the Parkinsonian symptoms.

In the recent tobacco study, the Castagnolis discovered that TMN, found in tobacco smoke as well as leaves, did in fact interfere with MAO and protected the rodents against the toxic effects of the synthetic-herion contaminant.

Although this discovery opens up the possibility of new avenues of research, ''No one should start smoking based on these results,'' Kay Castagnoli said, ''and people should continue to stop smoking. There's no evidence that the benefits of smoking will ever outweigh the risks.''

''The finding that smoking decreases the risk for Parkinson's disease raises the question of identifying the actual neuro-protective agent among the hundreds of compounds present in cigarette smoke,'' said Donato Di Monte, director of Basic Research at the Parkinson's Institute in Sunnyvale, Cal. The discovery in the Castagnolis' lab, he said, ''provides a critical clue for the development of drugs that may directly reproduce the neuro-protective action of smoking without exposing people to its other harmful health effects.''

The results of the Castagnolis' research, which has included a second study of mice that confirmed their initial findings, is an important step in the study of Parkinson's disease, he said. ''This compound may be the one involved in neuro-protection, but there may be others that, by acting on the enzyme, may have neuro-protective effects.'' Also, Kay Castagnoli said, it could be possible, in pharmaceutical industries, that this basic structure could be used as a template for the development of neuro-protective compounds.

This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuro-protective agents in tobacco.

CASTAGNOLIS DISCOVER COMPOUND IN TOBACCO MAY PROTECT AGAINST PARKINSON'S DISEASE

BLACKSBURG, MAY 15, 2000.—In a discovery that opens an important direction in the study of Parkinson's disease, Virginia Tech scientists have identified a compound in tobacco that inhibits an enzyme that breaks down key brain chemicals.

Parkinson's disease, a central nervous system disorder, causes the gradual deterioration of neurons in the section of the brain that controls movement. The brains of patients with Parkinson's disease typically have less of a neurotransmitter called dopamine. Studies have shown that smokers are 50 percent less likely to get Parkinson's than non-smokers, but no one has isolated a particular substance in tobacco that may be responsible for that phenomenon.

Neal Castagnoli, director, and Kay Castagnoli, senior research associate, at Virginia Tech's Harvey W. Peters Center in the chemistry department, located in the College of Arts and Sciences, conducted research that has led to the isolation of a compound in tobacco that protects against the loss of dopamine in mice and thereby may protect against the development of Parkinson's Disease.

''Joanna Fowler, a scientist at Brookhaven National Laboratory in New York, found by positron emission tomography (PET) imaging that smokers' brains have 30 to 40 percent lower levels of monoamine oxidase (MAO),'' Kay Castagnoli said. MAO normally breaks down neurotransmitters such as dopamine, serotonin, and norepinephrine. Since the Castagnolis had already been conducting research involving MAO and neuroprotection, ''We thought about the connection, '' Castagnoli said.

They decided to examine if there was a substance in tobacco that inhibits MAO. Ashraf Khalil, a postdoctoral fellow in the group, was able to separate and characterize a compound called 2,3,6-trimethyl-1,4-napthoquinone, or TMN, which was also

known to be present in tobacco smoke and proved to be an inhibitor of MAO.

Using mice, the Castagnolis first administered TMN and then a potent neurotoxin, MPTP, a contaminant that had been discovered in a street drug sold in the early 1980s. The drug was meant to mimic the effects of heroin, but addicts who took large doses of the synthetic heroin suffered severe Parkinsonian symptoms. Neal Castagnoli, then working at the University of California at San Francisco, was one of the scientists who determined what caused the brain to turn the contaminant into a toxin that caused many of its users to develop the Parkinsonian symptoms.

In the recent tobacco study, the Castagnolis' discovered that TMN, found in tobacco smoke as well as leaves, did in fact interfere with MAO and protected the rodents against the toxic effects of the synthetic-heroin contaminant.

Although this discovery opens up the possibility of new avenues of research, ''No one should start smoking based on these results,'' Kay Castagnoli said, ''and people should continue to stop smoking. There's no evidence that the benefits of smoking will ever outweigh the risks.''

''The finding that smoking decreases the risk for Parkinson's disease raises the question of identifying the actual neuroprotective agent among the hundreds of compounds present in cigarette smoke,'' said Donato Di Monte, director of Basic Research at the Parkinson's Institute in Sunnyvale, Cal. The discovery in the Castagnolis' lab, he said, ''provides a critical clue for the development of drugs that may directly reproduce the neuroprotective action of smoking without exposing people to its other harmful health effects.''

The results of the Castagnolis' research, which has included a second study of mice that confirmed their initial findings, is an important step in the study of Parkinson's disease, he said. ''This compound may be the one involved in neuroprotection, but there may be others that, by acting on the enzyme, may have neuroprotective effects.'' Also, Kay Castagnoli said, it could be possible, in pharmaceutical industries, that this basic structure could be used as a template for the development of neuroprotective compounds.

This summer, the Castagnolis, along with Ashraf Khalil, will look for other neuroprotective agents in tobacco.

COMMERCIAL SCALE CULTIVATION OF PHARMACEUTICAL-PRODUCING TOBACCO POSSIBLE, VIRGINIA TECH SCIENTISTS FIND

BLACKSBURG, NOV. 11, 1998.—The results from a summer of research show that pharmaceutical-producing tobacco can be grown on a commercial scale, according to Virginia Tech scientists.

Carole Cramer, professor of plant pathology, physiology and weed science, said additional field trials next summer are expected to confirm and extend the findings from this year.

Jim Jones, an agronomist and director of Virginia Tech's Southern Piedmont Agricultural Research and Extension Center in Blackstone, said the summer's field tests produced encouraging data as well as experience in managing tobacco grown for medical uses.

''We're not looking at growing tobacco in the way its been grown in the past,'' Jones said. ''In fact, what we've got is really a new crop.''

Jones said the field research included increasing the population of tobacco plants from about 6,000 plants per acre in traditional tobacco growing practices to as much as 100,000 plants per acre.

The growing pattern of tobacco to produce leaf for tobacco companies is well established, he said. What Cramer is looking for, however, is the optimum cultural practices to produce protein. With that in mind, the transgenic tobacco was harvested multiple times during the summer at a point far earlier than tobacco is harvested for traditional uses.

In 1995, a team consisting of Cramer and her associates at Virginia Tech and CropTech, a biotechnology company located in Blacksburg, was the first to induce a plant to express a human protein with enzymatic activity. That achievement has opened the possibility of using plants as factories to produce human proteins that can be used in pharmaceuticals.

The tobacco planted at Virginia Tech's agricultural research and extension centers in Blackstone and in Glade Spring last summer used a ''marker'' gene rather than the human genes. The marker gene allowed scientists to evaluate that ability of tobacco grown in different densities to produce a target protein, Cramer said.

So successful have been the results that Cramer hopes that next summer's field trials will include limited quantities of plants with target proteins that CropTech hopes eventually to convert into pharmaceuticals on a commercial scale.

CropTech has genetically engineered tobacco plants so far grown only in greenhouses. The genes inserted into the tobacco DNA orders the production of human enzymes, which can be extracted, purified and used to develop pharmaceuticals.

The gene that produces the protein cannot be ''turned on'' until scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated a manufacturing facility, Cramer said.

Some tobacco plants have been modified to produce an enzyme that can be used to treat Gaucher Diseases, a rare and often fatal condition. Other plants have been modified to produce human Protein C, which is used to prevent blood clots. Both tobacco-based products are still in development and have not undergone clinical trials.

Cramer said tobacco has the potential to serve as the host for many other pharmaceutical proteins as well. Tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently, she said. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

The field trials indicated that flue-cured tobacco is the best variety for producing the target proteins in the quantities needed for commercial production. However, both burley and oriental varieties of tobacco also performed well in protein production.

''That means it looks as though we have great flexibility in regard to varieties,'' she said, ''That, in turn, means that we won't necessarily be limited to any particular growing region in Virginia. The results have shown that we can grow this tobacco at very high densities. In fact, the higher the density the better, from the viewpoint of extracting proteins.''

With the support of state Sen. William Wampler Jr. of Bristol, former Gov. George Allen and Gov. Jim Gilmore included $554,000 in the state budget over the biennium for transgenic medicinal-tobacco research. During the 1998 legislative session Wampler sponsored an amendment which earmarked an additional $2000,000 specifically for the field trials. That funding was in part provided to help develop a new, high-value use to hundreds of acres of tobacco land statewide.

VIRGINIA TECH BEGINS FIELD TRIALS OF GENETICALLY ENGINEERED TOBACCO PLANTS PRODUCING PHARMACEUTICALS

GENERAL ASSEMBLY INVESTS IN NEW INDUSTRY FOR VIRGINIA

BLACKSBURG, JUNE 22, 1998.—Virginia Tech will soon begin the first phase of a $754,000 state-funded research project that could lead to a tobacco-based industry for growing human pharmaceuticals in fields across Virginia.

A team of Virginia Tech scientists has demonstrated the feasibility of producing human therapeutic proteins in genetically engineered ''transgenic'' tobacco plants. Now, researchers will develop the special methods required to grow the transgenic tobacco that could bring new, high-value use to hundreds of acres of tobacco land statewide. ''This investment in biotech research will help lay the foundation for a whole new tobacco-based industry for Virginia,'' said Carole Cramer, project director and professor of plant pathology and physiology at the Fralin Biotechnology Center of Virginia Tech.

Planning began in early May for the first phase of a multi-year field trial. Researchers will eventually plant tens of thousands of transgenic tobacco seedlings in fields at the university's agricultural research stations at Blackstone and Glade Springs. These studies will also include greenhouse experiments and laboratory analyses at the Virginia Tech campus in Blacksburg.

With the support of state Sen. William Wampler Jr. of Bristol, Governors Allen and Gilmore included $554,000 over the biennium for transgenic medicinal tobacco research. During the recent legislative session Wampler sponsored an amendment which earmarked additional funds specifically for the field trials.

''The General Assembly was pleased to add an additional $200,000 to assist in the expansion of research in the pharmaceutical uses of tobacco,'' said Wampler. ''We look forward to reviewing the results of the practical application of transgenic tobacco research, and we are hopeful that this research will result in new, viable economic opportunities for growing tobacco in our region.''

Cooperating in the studies are scientists at Crop Tech Corporation, a plant biotechnology company located in Blacksburg. CropTech will contribute its proprietary know-how and transgenic tobacco lines, as well as laboratory facilities and financial resources from federal and private sources.

CropTech recently won a multi-year $8.8 million contract from the Advanced Technology Program of the U.S. Department of Commerce. That contract will allow CropTech to further develop technologies to support commercialization of transgenic tobacco for bioproduction of pharmaceutics. A portion of the contract funds will support research at Virginia Tech and will match the support from the legislature.

Cramer pointed out that the tobacco biotechnology being developed at Virginia Tech is uniquely suited for pharmaceutical production. The plants are modified to contain a human gene—a tiny piece of human DNA with the information to build a human protein—but the gene cannot be ''turned on'' until the scientists give it a specific signal or inducer. Thus, the process can be controlled so that drugs will be made only after the leaves have been harvested and taken to a regulated manufacturing facility.

This summer's field tests are designed to begin designing methods farmers will eventually use to grow the transgenic pharmaceutical tobacco plants for commercial sale.

Among the issues being investigated are optimal plant density, planting and harvest methods and timing, nutritional requirements and pest protection, Cramer said. Also being studied are conditions that could help maximize pharmaceutical production and maximize the extraction of the target compounds from the leaves of the plant.

Cramer said tobacco is exceptionally suited for use in producing pharmaceuticals because it is one of the most productive crops in growing leaf biomass quickly and efficiently. It is also one of the easiest plants to genetically modify. As a very prolific seed producer, it will allow production to be scaled up very rapidly.

Although greenhouse studies during this year will include drug-producing plants, the field tests for these lines will not begin until next year, Cramer said. This year's field tests will incorporate a ''reporter gene'' to enable scientists to rapidly assess the performance of transgenic tobacco under various growing conditions.

The trials will also explore the potential of using floating-bed greenhouse systems for producing transgenic tobacco.

''This technology has tremendous potential as a win-win situation for both tobacco producers and drug companies,'' Cramer said. ''People will surprised at how fast this new industry will be growing and the impact that it will have.''

[From the Richmond Times-Dispatch, Sept. 24, 1997]

IN THIS CASE, TOBACCO COULD BE A LIFESAVER

(By A.J. Hostetler)

WASHINGTON.—Tobacco may serve as a source of a new medicine for a rare and life-threatening genetic disease under patents being awarded this week for research at Virginia Tech.

The patents cover the processes involved in setting up a new biochemical Trojan horse: a bacterium which carries a human gene into a tobacco plant, from which scientists later extract a human enzyme. The tobacco-produced enzyme could eventually be turned into a drug.

''It's an incredibly effective delivery system,'' said Virginia Tech plant physiologist Carole Cramer.

She conducted the tobacco experiments at Virginia Tech and at Croptech Development Corp., a private biotech company she started with her husband, David Radin, a former Tech plant cell geneticist.

One patent for the genetic engineering was awarded yesterday and another will be awarded tomorrow, according to Radin. Both patents go to Virginia Tech and are licensed to CropTech. A third patent, which awaits federal approval, will be awarded to CropTech, with a small share of the patents, and any resulting profits, awarded to Virginia Tech, Radin said.

The research was financed by grants from the National Institutes of Health and the Department of Defense.

At a biology conference yesterday in Washington, Cramer described the research and how it could lead to a cheaper treatment for Gaucher disease.

Gaucher patients have a defective enzyme, called human glucocerebrosidase or hGC, which prevents them from processing fatting substances called complex lipids. The lipids accumulate in the body to toxic levels, causing bone deformities, liver and spleen problems and other complications that can lead to death at an early age.

Gaucher disease strikes mostly Jews, but others are also at risk. About one in every 40,000 people in the United States has the disease, according to one estimate, but that jumps to one out of every 450 to 600 among Jews of Eastern European descent.

There are only two drugs approved in this country to treat Gaucher disease. Both attempt to replace the missing enzyme.

Patients typically take a single dose of Ceredase, or its cousin, Cerezyme, every two weeks for their entire lives. The average annual cost of either drug is about $160,000, according to Cramer. A single dose of Ceredase is made from as many as 2,000 human placentas, Cerezyme, made from hamster ovaries, is similarly difficult and expensive to make, Cramer said. But a single tobacco plant can be genetically engineered to produce the same amount of enzyme far more cheaply and easily.

The Virginia research could offer Gaucher patients another alternative if a drug produced from transgenic tobacco works, said Rhonda Buyers, executive director of the National Gaucher Foundation.

The scientist who pioneered enzyme replacement therapy for the disease, Dr. Roscoe Brady, says he regrets the high cost of the current treatment and ''fervently'' hopes Cramer's work succeeds.

''I want this to happen,'' said Brady, now chief of the Developmental and Metabolic Neurology Branch at the National Institute of Neurological Disorders and Strokes.

''I'd like everybody who needs it to get it. Even if (hGC) comes from a tobacco plant, it's not going to be cheap.''

Researchers are also developing gene therapy treatments that could ''teach'' the human body to make the enzyme. But that process is several years from general use. In the meantime, CropTech's work is ''a good step forward'' for patients with the crippling disease, Brady says.

Cramer began her research on genetically engineered tobacco in 1992 as she sought to understand how plants protect themselves from disease. After learning how to transfer genes from tomatoes into tobacco plants, she sought a more challenging—and show-stopping—project.

As the Clinton administration held hearings on health care in the early 1990s, Cramer and her team heard about Ceredase, which was being touted as one of the world's most expensive drugs.

Cramer said the researchers chose to study ways to produce the Gaucher enzyme after wondering, ''What could we do that would make a big splash'' in the scientific community?

''We wanted a dramatic example,'' she explained.

[From the Virginia Tech Edge, January 1999]

REMOTE SENSING CENTER ESTABLISHED

NASA will provide $419,256 to establish the Virginia Tech Center for Environmental Applications of Remote Sensing (CEARS). The center will provide maps and spatial data at all levels—land and water, above ground and underground, including such details as soil types, watersheds, and wildlife habitats—to help place major developments with the least impact, for instance. The center will be able to offer better-detailed geographic information than currently available, as well as data on the broad landscapes and inter-relationships.

Spearheading CEARS is Randy Wynne of forestry, who specialized in applying small satellite technology to natural resources, and James Campbell of geography. ''CEARS will focus on the environmental applications of remote sensing,'' Wynne says.

A remote sensing laboratory will be equipped with 25 networked (100 Mbs) Windows NT workstations, an NT server, printers, and image processing and associated software (e.g., compilers, spatial statistical packages, and GIS).

''We intend to augment our capability for measuring and integrating data with a Sun photometer and PAR sensor, a field spectroradiometer, and a roving GPS base station, and will build an electric, remotely piloted vehicle capable of carrying small sensor payloads.''

Additional laboratories located in the geography department and the Fish and Wildlife Information Exchange will support the project.

For more information, see the entire proposal for the center or contact Dr. Wynn at 540–231–7811.

TOBACCO PRODUCES HUMAN PHARMACEUTICALS

Scientists at Virginia Tech and CropTech Corporation of Blacksburg, VA, are using tobacco to produce human proteins.

Carole Cramer, professor of plant pathology and physiology, and colleagues have introduced snippets of human DNA into the genes of tobacco. Those snippets instruct the plant to produce human protein, which can then be extracted from the leaves and used to create drugs.

Among their achievements so far are tobacco plants that produce:

- Human Protein C, part of blood clotting/anticlotting chemistry. This protein is presently extracted from human blood plasma for use by hospitals. Human Protein C from tobacco has yet to be tested on humans.
- Glucocerebrosidase, a human lysosomal enzyme that may eventually be used to treat a rare, life-threatening genetic disease affecting the body's ability to break down fats. This enzyme is now purified from human placenta.

Contact: Dr. Cramer at 540–231–6757.

SORTING THE BUILDING BLOCKS OF LIFE

A university DNA sequencing facility has been established in the Virginia-Maryland Regional College of Veterinary Medicine's Center for Molecular Medicine and Infectious Diseases.

Funded by Virginia Tech Research and Graduate Studies, the college, and the Fralin Biotechnology Center, the laboratory is staffed and equipped to provide reliable and prompt DNA sequencing services for researchers, according to Stephen Boyle, professor in biomedical sciences and pathobiology.

To develop genetically engineered improvements in everything from food products to medicine, scientists must first acquire an accurate profile of a substance's molecular structure. The new lab allows them to do precisely that, Boyle says. Plus, the laboratory offers cost-effective, high-throughput services.

The laboratory includes twin Pharmacia Biotech ALFexpress sequencers. A computer-based control runs each unit independently. Laboratory manager Lee Weigt has 10 years of experience managing DNA sequencing facilities for the Smithsonian's Tropical Research Institute in Panama and the Field Museum of Natural History in Chicago, and has been specially trained by Pharmacia on the equipment.

Gaucher disease results when the body's enzyme storage system goes awry. Plants have a similar storage process, and Cramer thought she could prod a tobacco plant to grow hGC.

She did it by inserting the human gene for hGC into a common tobacco bacterium and allows it to infect a piece of leaf.

When the bacterium infects the leaf, it carries along with it the human gene. It transfers the gene into the plant and then dies, felled by antibiotics given to the tobacco plant.

Cramer has dozens of these genetically altered tobacco plants in various pots and petri dishes in her laboratory. The green leaves look like any normal tobacco plant.

While the plants grow, they show no signs of the human gene. The tobacco cells know how to make the enzyme, but don't do anything about it until they are activated by the researchers in a secret process that is part of the patent application. That helps control the quality of the enzyme produced because weather conditions and the timing of the harvest can affect the amount of hGC in the plant, Cramer said.

The harvested leaves are incubated for about a day before they are ground up and the enzyme is extracted.

The tobacco-produced hGC functions just like the human enzyme, she said, giving CropTech hope that federal approval for clinical trials may come in three to five years. When CropTech wins that approval, it would work with a drug manufacturer to produce the tobacco and enzyme in mass quantities, Cramer said.

[From the New York Times, May 14, 2000]

NEW VENTURES AIM TO PUT FARMS IN VANGUARD OF DRUG PRODUCTION—ALTERING GENE STRUCTURE TO ''GROW'' MEDICINES IN COMMON CROPS

(By Andrew Pollack)

Joe Williams, a Virginia tobacco farmer, has been forced to cut his production nearly in half over the last three years as people have kicked the smoking habit. But he is hoping that a small experimental plot he just planted will hold the key to his staying on the farm. That tobacco has been genetically engineered to produce not cigarettes but pharmaceuticals.

Plants containing drugs could, indeed, represent a new high-priced crop. ''If we can actually find a medical use for tobacco that saves lives, what a turnaround for the much-maligned tobacco plant,'' said Christopher Cook, chief executive of ToBio, a company recently formed by Virginia tobacco farmers like Mr. Williams to grow drugs in cooperation with the CropTech Corporation of Blacksburg, Va.

The production of drugs in genetically altered plants—called molecular farming or biopharming—seems poised to represent the next waive in agricultural biotechnology. Until now, efforts have mainly been directed at protecting crops from pests and improving the taste and nutrition of food.

But just as the production of bio-engineered foods has been controversial, molecular farming is already raising some safety and environmental concerns. Chief among them is that drugs might end up in the general food supply, either because crops or seeds are misrouted during processing or because pollen from a drug-containing crop in an open field fertilizes a nearby food crop. What if insects eat the drug-containing plants or if the drug leaks into the soil from the roots?

About 20 companies worldwide are working on producing pharmaceuticals in plants, according to the Bow-ditch Group, a Boston consulting firm. A handful of such drugs are already being tested in human clinical trials, including vaccines for hepatitis B and an antibody to prevent tooth decay.

There have been dozens of field tests like the one on Mr. Williams's farm, aimed at seeing if products ranging from hemoglobin to urokilnase, a clot-dissolving drug, can be grown in crops like corn, tobacco or rice. In a closely related effort, companies are also trying to use plants to produce industrial chemicals.

Proponents say that farming for pharmaceutical proteins would be far cheaper than the current practice of producing these drugs in genetically modified mammalian cells grown in vats. That could lower the price of drugs produced by biotechnology, some of which now cost tens or even hundreds of thousands of dollars a year per patient.

In some cases, the drugs would not even have to be extracted from the plant. Scientists are testing edible vaccines in which people would be protected from diseases by eating genetically engineered foods.

As these crops get closer to market, regulators are trying to figure out how to ensure their safety. Last month, the Food and Drug Administration and the Agriculture Department held a public meeting in Ames, Iowa, to discuss the issue.

The regulators say some safeguards are already in place. To minimize environmental risks, all field tests of drug-producing plants must receive government permits, while some field tests of other modified crops require only that the government be notified, said Michael Schechtman, biotechnology coordinator for the Agriculture Department. In addition, the distance by which the drug-bearing plants must be isolated from other plants to prevent cross-pollination is double the usual distance used by seed companies to assure purity of their seeds, he said. And although genetically modified food crops are often deregulated after the product becomes commercial, he added, the planting of drug containing crops is likely to be regulated forever.

But Norman C. Ellstand, a professor of genetics at the University of California at Riverside and an expert on pollen flow, said that long-distance pollen flow is poorly understood and that the appropriate isolation distance for drug-producing plants would depend on the particular crop and drug. ''It's just not clear that setting a double distance is going to solve everything,'' he said.

Indeed, biopharming lies on the border of medical biotechnology, which has been largely free of controversy, and food biotechnology, which has been beset by protests.

Some executives in the fledgling industry say that because medicines clearly help people, their activity is not generating this same kind of resistance as the production of genetically modified food crops. In addition, they say, drugs are tested and regulated far more stringently than biofoods. ''It's being received entirely differently,'' said William S. White, president of Integrated Protein Technologies, a unit of the Monsanto Company that is trying to grow drugs in corn.

But critics of agricultural biotechnology say that such companies, which underestimated the public reaction to bioengineered foods, are repeating the mistake. Michael Hansen of Consumers Union, for one, said the public had no idea about the work being done to produce drugs in plants. ''Once they have an idea, the thought of putting drugs in plants, is not going to go over well,'' he said.

Some companies producing drugs in plants are already being hit. Axis Genetics of Britain went out of business a few months ago, saying the protests over bioengineered food had scared off investors. Groupe Limagrain, a French seed company, says it has been conducting its field tests in the United States because the dispute over modified crops is greater in Europe. And Planet Biotechnology Inc. of Mountain View, Calif., keeps the location of its greenhouses secret to prevent vandalism by protesters, as has happened to companies growing modified food products.

Companies are considering various techniques to keep drug-producing crops from accidentally entering the food supply, including the implanting of a gene to turn drug-producing crops a different color from other crops.

Techniques are also being developed to prevent cross-pollination. CropTech, for instance, said its tobacco would be harvested before sexual maturity. Some drugs needed in small quantities might be grown only in greenhouses, rather than open fields.

Just as with food, biocrops should be able to produce large quantities of drugs at low cost, advocates say. The newest factories now used to produce pharmaceutical proteins in genetically modified mammalian cells can cost $100 million or more and can produce a few hundred kilograms a year at most. Drugs made in such factories can cost thousands of dollars per gram to produce.

For many biotechnology drugs already on the market, this is not a problem because prices are high and only minuscule amounts are needed. But some drugs under development, like an antibody-containing cream for herpes, are likely to require much larger quantities and not be able to command high prices.

''They cannot make these drugs using the old technologies,'' said Mr. White of Monsanto's Integrated Protein Technologies. ''It's just not going to be cost effective to do so.'' Mr. White said his company could produce 300 kilograms of a purified drug for a $10 million capital investment and a cost of $200 a gram.

Planet Biotechnology is in clinical trials of an antibody, produced in genetically altered tobacco, that blocks the bacteria that cause tooth decay. Elliott L. Fineman, the chief executive, said it would be impossible to use mammalian cells to produce the 600 kilograms a year that might be needed in a cost-effective way. But the entire supply could be affordably produced on a single large tobacco farm.

Still, the companies wanting to grow drugs have found the going somewhat rough. The Large Scale Biology Corporation, formerly Bio-source Technologies, did the first field test of a drug produced by a plant in 1991 but still does not have a drug in clinical trials.

Drug companies are hesitant to depart from existing technology. And some industry experts are not convinced that plants would be cheaper when the cost of extracting the drug from the plant is considered. ''With respect to purifying it and isolating it, a plant can pose challenges,'' said Norbert G. Riedel, president of the Baxter Healthcare Corporation's recombinant DNA business.

Moreover, the production of drugs in plants faces competition from production in the milk of genetically modified animals. This also offers potentially high volumes at low costs, and the animal milk companies are closer to bringing products to market. Some already have deals signed with major drug companies.

The plant-drug companies say their technique is safe because mammalian cells and animal milk can introduce harmful viruses into the drug, while plant viruses are not known to infect people.

There could be other problems, however, including contamination by pesticides and plant chemicals like nicotine. The F.D.A., which is preparing draft guidelines for production of such drugs, is considering such issues as assuring that the pharmaceutical protein does not change form during plant growth, harvesting and storage.

Yet another issue is that the sugars attached to proteins by plants are different from those attached by animals. This could prevent the plant-derived drug from working and could cause allergies, said Dr. Gary A. Bannon, professor of biochemistry and molecular biology at the University of Arkansas medical school.

Molecular farming might not prove to be the salvation of vast numbers of farmers since the acreage needed will probably be small. Mr. White of Monsanto said even a drug needed in large quantities could be produced on a few thousand acres of corn, a mere blip compared with the roughly 77 million acres of corn grown in the United States.

But Brandon J. Price, chief executive officer of CropTech, which is working with the Virginia farmers, said 45,000 acres would be needed to satisfy the entire worldwide demand for human serum albumin, a blood product that his company wants to produce in tobacco.

Said Mr. Williams, the Virginia farmer, ''we're looking at thousands and thousands of acres it takes off and goes.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. HAYES).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. MILLER OF FLORIDA

Mr. MILLER of Florida. Mr. Chairman, I offer an amendment.

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

The CHAIRMAN pro tempore (Mr. HEFLEY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. MILLER of Florida:

Page 31, after line 5, insert the following:

PURCHASES OF RAW OR REFINED SUGAR

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $54,000,000 for purchases of raw or refined sugar from sugarcane or sugar beets.

Mr. MILLER of Florida. Mr. Chairman, this amendment is very simple. It is to say let us stop wasting taxpayers' dollars on the sugar program.

Last month, the Secretary of Agriculture bought $54 million worth of sugar and does not know what to do with it. We have too much sugar in this country. We cannot even give it away around the world, but we bought $54 million worth of sugar. We cannot use it for the ethynyl program. What are we going to do?

We are going to store it, and the media reports saying we are going to have another $500 million worth of sugar in the next 90 days, and we do not now have any use for it.

This is a waste, and it is an embarrassment to this Congress that we allow this program to be authorized in the farm bill back in 1996. In fact, during the past month, national television has been making fun of us, The Fleecing of America on NBC news made fun of Congress for wasting money on this program.

It's Your Money on ABC did the same, because it is a program that makes no sense. It hurts consumers. It hurts the environment. It hurts the jobs, and it is just bad simple economics.

Let me briefly describe what the program is. We have a Federal Government program through a loan program and limits on imports to prop up the price of sugar at about three times the world price. That is right, here in the United States, we pay three times the price of sugar as they pay in Canada or Mexico or Australia. What does that mean? It means our consumers get hurt.

In fact, the General Accounting Office, which is a nonpartisan organization that supports Congress, it is not supported by the agriculture or the business sector, it is nonpartisan, nonbias, their most recent study last month said $1.9 billion that it costs us. The taxpayers are being hit, $54 million last month alone and it can go as much as $500 million.

The environment, I come from Florida, and the Florida Everglades is a real national treasure, and what are we doing is, because of the high price of sugar, we are overproducing sugar, which has all that runoff that flows into the Everglades down into Florida Bay and the Florida Keys, and it is causing environmental damage. That is the reason we get strong support from the environmental community on this issue.

And when we get to trade, it is amazing. How can we go to Seattle and talk about trade issues and say we will talk about everything but sugar, because we do not want to talk about sugar. It makes it difficult for us to be advocating free trade when we have to protect sugar.

Finally on jobs, we can go program after program, where the jobs are impacted in this country. We are losing jobs.

Let me give my colleagues an illustration. Bobs Candies in Georgia makes candy canes. They use a lot of sugar in candy canes. It is a third generation company. What is happening is in Canada where the sugar is only a third of the price or in the Caribbean where they get sugar for a third of the price, they can shift their production. Why would they want to manufacture in the United States to pay that high price for sugar?

This makes zero economic sense. It has zero economic sense, because it has all negatives. The only people supporting the program are the sugar growers, and the sugar growers love it.

In fact, they love it so much they increased the production of sugar by 25 percent in the last 3 years because they are just making a killing off of sugar. Next year, they are predicting even more sugar protection and instead of buying $500 million worth of sugar, we can see a billion dollar a year cost.

We were told back there 1996 oh, no, it does not cost us anything. It does not cost anything. In fact, they told us back in 1996, sugar is going to pay a support program part of this, like $40 million. Well, they got rid of that a couple of years ago. Now, we do not even make money on the sugar program, we just spend money. We just waste money.

For my colleagues, I hope they will support me as we get rid of this program. If my colleagues are conservative, this is bad big government. If my colleagues are pro consumer. If my colleagues are concerned about the lower-income people that spend so much money on their income on food, my colleagues should support this. If my colleagues are an environmentalist, this is definitely one to support, because we want to protect the Everglades.

It is just a bad big government program, and I urge my colleagues to support this amendment.

The CHAIRMAN pro tempore. Does the gentleman from Iowa (Mr. Latham) continue to reserve a point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman for Iowa (Mr. LATHAM) for his indulgence; and I want to express my admiration for the diligent crusade the gentleman from Florida (Mr. MILLER) has been conducting on behalf of consumers, taxpayers, and other farmers.

In support of the gentleman from Florida's amendment, I want to address its negative impact on other hard-working honest unsubsidized farmers. I agree with what the gentleman from Florida (Mr. MILLER) has said about the taxpayers and about the consumers.

I represent a large number of people who are in the cranberry business. They grow cranberries. Cranberries have been a non-program crop, that is, unsubsidized.

As my colleagues know, this Chamber is full of people who are the world's most ardent advocates of free enterprise, of standing on your own two feet, of not having the government get involved, except it turns out that in all of the great conservative economic texts, there is a footnote that is written that says, except agriculture. Members have to come from a farm State to be able to read it. It is in invisible ink and one has to apply certain substances garnered on farms to be able to bring out that footnote so we can read it, because the part of the American economy which is the most heavily subsidized, the most heavily regulated, the most anti free market is, in fact, agriculture.

I represent some people who are in agriculture without much of that. The cranberry growers do a very good job of producing a very important crop, until recently, without any kind of government entanglement. They are trying to continue that. But they find themselves in a great dilemma. Cranberries are very tart. They are nourishing. They are tasty, but they require sugar in many of the forms in which they are prepared.

If Members want to come by my office, we have some very good dried cranberries, a very healthy snack, but they have a high percentage of sugar. The problem is that because of the sugar program, American cranberry growers and processors are at a significant competitive disadvantage vis-a-vis Canada.

Thanks to NAFTA, we now have one market embracing both Canada and the United States for cranberries. Cranberries are grown in both places. American processors are significantly disadvantaged because of the price of the

sugar they must use to deal with their cranberry products is so much higher than the price that our Canadian competitors pay.

This is a case where the unsubsidized farmers and the cranberries farmers are seeking some help. They are seeking the one thing that I most support, a government purchase of surplus cranberries for use in various programs; but their dilemma has been exacerbated by the sugar program.

The cranberry growers come to the government for help, because the government has helped cause their problem; and it has helped cause their problem by putting them at a significant competitive disadvantage in some respects because of the high price of sugar they have to pay compared to the price of sugar paid by the Canadians.

I have, I guess, a very novel question, maybe it is naivete on my part. If we can, in fact, rely on a free market in oil, and we are told that the oil prices go up, well, that is tough, that is the free market. If we can have a free market in the most sophisticated telecommunications equipment, if we can have a free market in automobiles, in legal services, in shoe repair, in virtually every other commodity, what is it about the growing of sugar that repels the free market ethic?

What is it about sugar growing that makes it entitled to be an exception from the free market principles to which so many of my colleagues, especially on that side of the aisle, profess allegiance? Is sugar some alien substance that repels the concepts of demand and supply?

Are the people who grow sugar somehow mutants who are not subject to the same economic incentives and disincentives as others. So the sugar program is, of course, one of the great violations of principle that many on the other side profess, but we get used to a little principle slippage particularly late in the year when election time is coming up. But it hurts consumers, and sugar is consumed by lower-income people. It hurts the taxpayer considerably, the millions that we spent on sugar could well be used for other purposes; and, in particular, thought I want to stress here, it even hurts other parts of agriculture. That is one of the things about the free market, once we begin to tinker with it in such a substantial form, the effects of that tinkering cannot be confined, and the aid that is given by the taxpayers at the expense of consumers to sugar growers redounds to the significant disadvantage of people who grow cranberries.

I would hope that we would adopt the gentleman's amendment and proceed in the earliest time frame next year to abolish the program and bring that radical subversive unknown doctrine known as free enterprise into another area of the American economy.

The CHAIRMAN. Does the gentleman from Iowa (Mr. LATHAM) continue to reserve his point of order?

Mr. LATHAM. Mr. Chairman, I continue to reserve a point of order.

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

Mr. Chairman, I think the new GAO report says it all, the GAO report is entitled ''supporting sugar prices has increased users costs, while benefiting producers.''

According to this new report by our Federal Government, the sugar program costs consumers $1.9 billion each year in higher costs.

Secretary Glickman has announced that the Department of Agriculture would spend $54 million of taxpayers' money to purchase 130,000 tons of surplus sugar to prop up domestic prices. Every time an American goes to a vending machine to buy a candy bar or goes to the supermarket to buy ice cream, it can cost more because of the sugar program. Every time he tries to buy cranberry juice, it costs more, because of this program.

The sugar program acts as nearly a $2 billion hidden tax to our consumers, but this tax does not go to the government to pay for the national defense or for some other program. It goes into the pockets of the big sugar lobby.

The Freedom to Farm Act of 1996 began to phase out income supports for nearly every agricultural commodity, and tried to set them down the path toward free market competition, tried to set them towards free enterprise; however, the government continues to subsidize sugar producers by maintaining high sugar prices.

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Well, this amendment will limit the Commodity Credit Corporation from extending any more than the $54 million, the amount they have already purchased this year, on the purchase of additional sugar with taxpayers' dollars during fiscal year 2001. And to let the Commodity Credit Corporation continue to bail out sugar producers only continues the cycle of welfare to sugar producers and higher prices for consumers.

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

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

Mr. EWING. Mr. Chairman, the gentleman knows, I am sure, that sugar prices are at an all-time low; they have not been this low in years.

Mr. ROYCE. Mr. Chairman, reclaiming my time, I know that the sugar prices are low, and I also know that the Federal Government, in its GAO report, has extrapolated the costs to consumers at $1.9 billion a year.

Mr. EWING. Mr. Chairman, if the gentleman will continue to yield, I understand that is what the GAO report said; but sugar prices are low, and I have not, and I just wonder if the gentleman has, seen any reduction in candy bars or soda pop or any other commodity that the gentleman claims will be such a windfall to American consumers. Has the gentleman seen any?

Mr. ROYCE. Mr. Chairman, again reclaiming my time, we have not repealed the laws of supply and demand, and to the extent that we have these types of programs that force higher prices on the consumer, yes, that is ultimately reflected in pricing. I believe that the market works.

Mr. EWING. Mr. Chairman, if the gentleman will again continue to yield, with all due respect to the gentleman's opinion on this, I think it is faulty, because prices are low, and nothing is happening to the cost of the products with sugar in them.

Mr. Chairman, when I look at this amendment, I recall the failed amendments that have been offered in the past on the Agricultural Appropriations bills. Regardless of how exactly the language reads, it all boils down to this: my colleague wants to eliminate the sugar program.

Each time sugar opponents have offered such an amendment on the Ag Appropriations bill, the House has rejected their efforts. This in itself says a great deal. The House has stood by its agreement made with farmers in the 1996 Farm Bill.

In the Farm Bill, Congress agreed to a sugar program that would stay intact for seven years. My colleague wishes to break this contract with farmers.

My colleague has made reference to a recently-released GAO report on the sugar program. There are a number of problems with this report, which both USDA and the sugar industry have highlighted. USDA, the agency that administers the federal sugar program, concluded: ''GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively.''

By agreeing to purchase sugar, USDA made an economic decision within the parameters of the program for the benefit of the taxpayer. In early June, USDA bought 132,000 short tons of refined sugar in an effort to avoid forfeitures of sugar under loan and to reduce the potential cost to the taxpayer. According to USDA, this purchase serves as a $6 million cost savings compared to potential forfeiture costs of the same tonnage.

To kill or impede the program today, nearly a year before we begin to authorize a new farm bill, especially without review by the authorizing committee, would be very unwise. The mechanics, operations, and success of the sugar program over the past five years should be evaluated more closely and carefully before a hasty vote on an appropriations bill hinders the current operations.

Join me in supporting the taxpayer, the American farmer and the contract made in the 1996 Farm Bill. Vote No on this amendment.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. MILLER of Florida. Mr. Chairman, the gentleman from Illinois is talking about how low the prices are. The price of sugar in the United States is about three times the world price. Look in today's Wall Street Journal; look in the financial pages. We see two prices: one for the United States, one for the rest of the world. And it is three times the world price.

So what are we supposed to be feeling sorry for when we are paying three times the price that Australia pays for sugar and Canada pays for sugar. And, yes, anybody who has had economics 101 knows that cost influences prices. So yes, it does have a direct effect. That is the reason the GAO did the study. That is the reason we have a nonpartisan, unbiased source that did the study; and that is the reason we need to trust that $1.9 billion. That is real money that costs real consumers real dollars.

Mr. LATHAM. Mr. Chairman, I continue to reserve my point of order.

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

Mr. Chairman, I rise in opposition to this amendment. We go through this debate every year, and sugar becomes the culprit for all that is bad and all that is evil.

We hear about the world's sugar price being so much less everywhere else. It is interesting that when we travel abroad, candy is very, very expensive. Maybe they access the world market, but their prices are the same. Sugar is the lowest it has been in years; candy bars are higher than ever. Some Members say it is for the big sugar lobby. Well, what about the big candy lobby? Only the bad actors are on the other side of the amendments. Yesterday, it was the big pharmaceutical lobby when we talked about prescription drugs. Today, it is the big sugar lobby.

Nobody comes down to Clewiston and sees the small family farmers. And yes, there are some big farmers; we acknowledge that. Like everywhere else in America, there are small farmers and big farmers. But once again, we kick farmers when they are down. Some of the most difficult times we are experiencing in this Nation in farming are occurring today, and people always complain about programs done by the Department of Agriculture, and then they rush off out of this Chamber and have a big meal; and they eat a lot of food, and they fill up their bellies and think how wonderful it is that I had this delectable meal. Then they rush right back, full, their appetites satiated; and they immediately begin to attack farmers and the farm programs and the Agricultural Department and this runaway program that is being sponsored by Congress.

I say, if we complain about farmers, do not do so with our mouths full. This program has been reformed; it has been changed.

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

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

Mr. EWING. Mr. Chairman, I thank the gentleman for yielding. I would just point out to my colleagues, they refer to this GAO report, which I have seen thoroughly, and there are a number of problems with this report. Both the USDA and the sugar industry have highlighted: ''USDA, the agency that administers the Federal sugar program, concluded,'' and this is important, ''the GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively.''

So the gentleman from Florida (Mr. MILLER) is using it incorrectly.

The gentleman from Florida (Mr. FOLEY) knows that they talk about the sugar price, but what is the sugar price, the world dump price?

Mr. FOLEY. Mr. Chairman, reclaiming my time, the sugar price, as the gentleman well knows, it is 125,000 metric tons, so nobody runs out to the Publix and buys 125,000 tons. In addition to that, it is left-over excess capacity. It is not first-run sugar; it is floating around there looking for a buyer. It is like the end-of-the-year car sales when people are trying to get the cars off their lots. This is sugar that is sitting, waiting, looking for a purchaser; it is not first-run sugar. So they misrepresent.

Mr. EWING. Mr. Chairman, if the gentleman would yield once again, most of that sugar comes from programs around the world that are subsidized much higher than we do in this country. They cannot use it; they cannot keep sugar. They dump it on the world market and take pennies on the dollar.

Mr. FOLEY. Mr. Chairman, reclaiming my time, the gentleman from Massachusetts made a big thing about the free market system. Well, I think we are spending about $14 billion on the big dig in Massachusetts for a tunnel. So all I will say to the gentleman is that we are spending money on projects throughout the country, and we are trying to help the farmers in America. We are trying to keep domestic production, and I think it is vitally important.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I would say that 25 years ago I was opposed to that highway construction project. I thought it was not a good use of money.

Secondly, I would say this. Even at my most critical, I have never suggested that we should have the free market build a highway. If we are going to build a highway, then the Government has to do it. But I would say that I was against building the highway.

Mr. FOLEY. Mr. Chairman, I thank the gentleman very much. Reclaiming my time, the Government, once again, did build a highway; and it is $14 billion, probably about $8 billion overspending.

All I can say is listen to the amendment; look at what is occurring. Defeat the amendment. I support the gentleman as he reserves his point of order against the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment offered by the gentlemen from Florida and California to reduce funding for the U.S. Department of Agriculture's Commodity Credit Corporation by $54 million—the amount of money made available last year for sugar producers.

Mr. Chairman, there is virtually no disagreement that the nation's sugar programs are flawed. In fact, an article which appeared last month in the Palm Beach Post quoted two sugar growers who admitted that the program has problems, and as one said, ''some new policy is going to have to be developed.''

Until then, we should not continue to pour taxpayer dollars into the sugar sinkhole. The sugar market is glutted, yet producers continue to grow more sugar, and as a result, grow fat off these sweet Federal subsidies.

While sugar producers get all the treats, the taxpayers wind up picking up the tab for all these tricks. Consumers are stuck paying higher prices for foods made with sugar, after already being forced to contribute tax dollars to pay for these subsidies. That doesn't sound like a sweet deal to me!

Frankly, the USDA's sugar policies have left a bitter taste in my mouth. We should stop subsidizing sugar growers, and instead start spending that money on more deserving programs, such as child nutrition programs, WIC, and agricultural research.

Mr. Chairman, let's get the sugar industry's hands out of the Federal cookie jar, and stop subsidizing Big Sugar. Support the Miller/Miller Amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Miller amendment to the Agriculture Appropriations bill. This amendment limits expenditures by the Department of Agriculture for the purchase of sugar.

During consideration of my legislation, H.R. 3221, the Corporate Welfare Reform Commission Act, the Budget Committee heard testimony from members of Congress and budget experts about rooting out wasteful spending. The sugar program is high on the list of corporate welfare items that private groups and fiscal watchdogs have targeted for elimination.

The sugar program guarantees domestic cane and beet sugar producers a minimum price for sugar. It does this by offering loans to sugar processors at a rate which is written into law. This program has an unusual feature of allowing sugar processors to forfeit their sugar to the federal government instead of paying back their loans. In order to avoid the result of a direct expenditure from the federal government, the program restricts the amount of sugar that can be imported under a low tariff rate.

It's not surprising that producers are all eagerly seeking to participate in this program. The amount of sugar under government loan has nearly doubled since 1997.

It's also not surprising that there is currently a problem of sugar overproduction and now the sugar industry is not content with the government's subsidies in the form of restrictions on imports and direct payouts. They now are going directly to the Agriculture Department and selling their sugar that no one else wants to buy. The Department of Agriculture recently purchased 150 tons of sugar which cost American taxpayers more than $60 million.

This is the height of absurdity. We encourage overproduction of sugar through subsidies and trade restrictions and then when sugar is overproduced, we buy it and then give it away to a third country for free. This amendment puts an end to these purchases.

Proponents of this subsidy argue that the program does not cost the taxpayer anything. This argument is especially hollow considering the recent government purchases. But even putting those purchases aside, GAO has estimated that the cost of this program to consumers is nearly $2 billion a year. Every American that drinks a soda, eats a cookie or bakes a cake pays more than they should at the checkout line.

This ''tax'' to pay for the sugar program doesn't go toward some public purpose. It goes into the pockets of a few large corporate farmers with an average farm size of 2,800 acres. According to a Time magazine article, one family which Time dubbed ''the first family of corporate welfare'' received $65 million in federally subsidized revenues from the sugar program.

Mr. Chairman it is time we put an end to this shell game which always ends with the taxpayers losing. I urge my colleagues to support Mr. MILLER's amendment.

Mr. BARCIA. Mr. Speaker, Sugar Producers have been helping pay down our deficit for many years now.

In fact the Congressional Budget Office estimates that sugar producers will have actually paid $288 million into the federal treasury by the end of 2002.

So the recent $54 million sugar purchase by the USDA represents only a fraction of what sugar producers have already given to the government.

As lawmakers, when we committed ourselves to helping farmers, we committed ourselves to helping all farmers.

That's why I oppose the Miller amendment—because it singles out 2,880 farmers and more than 23,000 beet-sugar related jobs in Michigan alone. But Michigan is not alone—the whole country profits from the sugar industry. Sugar related employment represents 420,000 jobs in 40 states and over $26 billion in economic activity.

Sugar farmers and workers need our help. Please don't abandon them in their time of need. This amendment has already been struck down on a point of order, but I urge my colleagues to vote no in the future on any anti-farmer amendment like this one.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in strong opposition to this amendment.

I can understand some of the criticism of the sugar program, especially from those that are true free traders. I, too, wish we had an open market for sugar. But what I don't understand is the continual, thinly veiled attack against U.S. sugar growers.

This program protects American sugar growers, including the 23,000 growers and sugar industry employees in my district, from a truly unfair, highly subsidized, and distorted world sugar market. American sugarbeet growers are the most efficient—the best—in the world. They wouldn't need our help, except that their competitors are foreign governments trying to prop up much less than the best.

Also, please hold the arguments that the sugar program has hurt consumers. Wholesale sugar prices have fallen nearly 26 percent since 1996, while consumer prices have risen. Cereal prices are up by more than six percent. Ice cream is up more than nine percent. Candy prices have risen nearly eight percent. If producer prices are down, but consumer prices are up, who is benefiting? You know the answer.

Unilateral disarmament is not a fair or reasonable policy for American sugar growers. And an appropriations bill is not the place to even be discussing it. Reject this broadside against U.S. sugar. Oppose this amendment.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, while not everyone has said it yet, I think everything that needs to be said on the subject has been said. So at this point I will make a point of order against the amendment offered by the gentleman from Florida.

The amendment violates clause 2, section C of rule XXI of the House in that it proposes the inclusion of legislative or authorizing language on an appropriation bill.

Specifically, the amendment proposes to limit certain expenditures made by the Commodity Credit Corporation where no such limitation exists in current law, instead of confining the amendment's proposed limitation to the scope of funds made available under this act. Additionally, the amendment of the gentleman from Florida contains ''shall not'' language that, on its face, imposes a legislative directive.

The CHAIRMAN. The gentleman has stated a point of order. Does the gentleman from Florida (Mr. MILLER) wish to be heard on the point of order?

Mr. MILLER of Florida. Mr. Chairman, as a member of the Committee on Appropriations, I feel very disappointed that we are cutting off debate like this. My cosponsor of the Miller and Miller amendment is not even allowed to speak on this bill. This is not the way we should treat our colleagues, to have the cosponsor being cut off from speaking.

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

Mr. MILLER of Florida. I yield to the gentleman from Iowa.

Mr. LATHAM. Certainly, after the chairman has ruled, any Member has the opportunity to strike the last word.

Mr. MILLER of Florida. Mr. Chairman, I would encourage the Members to do so, because there are a lot of people on the floor that want to talk to this issue.

Mr. Chairman, with respect to the point of order, we were told back in 1996 when the sugar program was developed and we authorized it that it was a no net-cost program; it will not cost the Government anything. We have already spent $54 million last month, and we are getting ready to spend $500 million more, so we were kind of misled in 1996 to have been told that it was a no net-cost program; so because of the change is the reason I think we should not have a point of order raised.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order on the question of whether or not this amendment is in order?

Mr. MILLER of California. Mr. Chairman, if I might, in response to reserving the point of order, if I could speak through the Chair to the gentleman that made the point of order, might it not be possible, if the gentleman insists upon his point of order, and I know we have the right to strike the last word later, but might it not be possible to ask unanimous consent so that at least our written statements could appear in the RECORD at this point so it is part of this joint debate?

The CHAIRMAN. Unanimous consent has already been authorized for that purpose for all Members.

Mr. MILLER of California. To be put into the RECORD at this point in the debate?

The CHAIRMAN. That is correct, yes.

Mr. MILLER of California. I thank the Chair.

The CHAIRMAN. Are there any other Members that wish to speak on the point of order?

The Chair is prepared to rule.

The Chair finds that the amendment offered by the gentleman from Florida (Mr. MILLER) includes language limiting the Commodity Credit Corporation purchasing authority; and, therefore, the amendment constitutes legislation in violation of clause 2 of rule XXI, and the point of order is, therefore, sustained.

The amendment is not in order.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the last word.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, we have heard a lot of misstatements today about the sugar program, not only today, but in the discussions that have been held over the years. I think it is really unfortunate that so much of this comes from a theoretical discussion, which is purported to be a government report called the GAO Study.

I think that it is important when we look at these studies to look at the response the Department made with respect to each one of the assumptions that were propounded by the GAO report. The most significant of it is this use of the words, ''world price.'' Anyone who has studied this particular issue will know that the world price is nothing more than a dump price. There is no such thing as buying sugar at 8 cents or 9 cents a pound. It is only where the excesses, the surpluses of all of these government programs all over the world have no internal domestic source to sell, then they go out to the world market and they dump it. It is absolutely unfair to talk about our sugar program and relate it to the world dump price.

If we are talking about the cost of sugar to an ordinary family in the United States, let us look at the chart here. Let us look and see what the world price is for sugar in the developed countries. We see all of these countries here, Norway, Belgium, Denmark, Austria, Italy, Sweden, Switzerland, Ireland, France, all of these other countries, and way down at the bottom here, the United States, retail price at

43 cents. At the top here, 86 cents. That is what we are talking about when we talk about the cranberry production and the cranberry juice that we were supposed to feel sympathetic about in an earlier discussion.

Mr. Chairman, we are talking about a retail price in the United States which is significantly lower than what the price is in other countries throughout the world. Mr. Chairman, 8 cent, 9 cent sugar is unreal in terms of our own domestic market.

What are we talking about? We are talking about killing an industry. I cannot think of anybody interested in fairness and support of our farmers, in support of agriculture, wanting to kill a whole industry in order to somehow fall prey to this mythological idea that they could buy 8 cent sugar in the world dump market. It is just not happening.

I think the real way to look at this situation is what is happening to the sugar prices today. We who have sugar production in our districts know that the price has catapulted from about half of what they were perhaps 10 or 15 years ago. Our farmers are struggling. They are in despair. I have one sugar company on the island of Kauai that is about to close if we do not find a resolution to this problem.

None of the Hawaii sugar is in this commodity market. I am not here because we are in that market where we are going to benefit 1 penny from any loan. We are restricted from that program. But I am here talking about sugar as fundamental industry in this country that has a right to exist, to be a part of our economy as any other farm product in this the United States. Why kill off this industry on a myth? Prices have gone down over the last year to maybe 18 cents for the people who are producing it, but what happens to all of the other products that are using sugar, the cakes and the cookies and the Cokes? All the prices have gone up 15, 20 percent. There is no economist worth his salt or her salt that can argue that the price of sugar being low is a good thing for America because it is going to lower the prices of the commodities. It has not.

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The prices of all of these commodities have gone up, So the argument that the GAO makes that the consumers are paying through their nose because sugar is such an expensive item has absolutely no substance in terms of the rationale for their argument.

If their argument were true, then the prices for all of these commodities, cakes, cookies, and whatever, would have gone down. There is not one item that we can find on the shelf today in the grocery stores where the prices have gone down that uses sugar as a substance for their production.

So it seems to me that we have to be together in this discussion about agriculture. We cannot pick out one particular farmer. We do not have any multibillionaire sugar producers in my State. They are all small hard-working farmers who are just making a living.

So let us stand for the agricultural industry in this country and not kill sugar because somebody does not like the law that we passed in 1996 that was designed to benefit all commodities.

Mr. Chairman, we have heard a lot of misinformation today about the U.S. sugar program. I want to present a few facts.

During the 1990s, wholesale refined sugar prices fell 11 percent. During the same period, the retail price of refined sugar increased by 1 percent and the prices of manufactured food products with sugar as a major ingredient—candy, baked goods, cereal, and ice cream—rose by 23 to 32 percent. Since the start of the 1996 Farm Bill, wholesale refined sugar prices are down 26 percent, but retail sugar prices have not dropped at all and sweetened products prices are up 7 to 9 percent. It is clear that it someone is making a killing, it is not the sugar farmers.

American sugar farmers are in crisis. In my state of Hawaii, only three sugar companies are still operating. In 1986, 13 operating factories were operating and sugar was grown on all of the four major islands. Today, sugar is produced only on the islands of Maui and Kauai—and the survival of these companies and the fragile rural economies of these islands are severely threatened by historically low prices. This year, Hawaii sugar farmers are receiving the lowest prices in 18 years for their sugar.

Those who would like to kill the U.S. sugar program cite the so-called ''world price'' of sugar of 8¢ a pound. No one—not even countries that use child labor—produces raw sugar for 8¢ a pound. This ''world price'' is in fact a dump price for excess sugar that bears no relationship to the actual cost of producing sugar. The dump market represents the subsidized surpluses that countries dump on the world market for whatever price that surplus sugar will bring.

A study by LMC International estimated the weighted world average cost of producing sugar during the 11-year period of 1983/84 through 1994/95 to be 18.04¢ a pound. The actual level is almost certainly higher now because of inflation since that time. Even though U.S. sugar growers are among the most efficient in the world, they cannot survive when they receive prices on the order of 17¢ to 19¢ a pound.

Two-thirds of the world's sugar is produced at a higher cost than in the United States, even though American producers adhere to the world's highest government standards and costs for labor and environmental protections. U.S. beet sugar producers are the most efficient beet sugar producers in the world, and American cane producers rank 28th lowest cost among 62 countries—almost all of which are developing countries with deplorable labor and environmental practices.

U.S. consumers pay 20 percent less for sugar than the average for developed countries. Our average retail price for a pound of sugar—43¢—is far below the more than 80¢ paid by consumers in Norway, Japan, and Finland. The average price paid by consumers in the European Union is 52¢. Of course, U.S. prices would be even lower if the retailers and manufacturers did not absorb all of the benefit of the lower prices producers have been receiving over the past three years.

Is the price of sugar a problem for the average American family? I don't think so. Sugar is so cheap that you can pick up packages of it in restaurants and no one cares. The average American works 2.3 minutes to purchase a pound of sugar. Are the opponents of the U.S. sugar program responding to concerns of consumers? Clearly not. They are responding to pressure from big businesses that want to increase their profits further still at the expense of American farmers. The Dan Miller amendments use consumer cost as an issue to mask the primary motive, which is allow cheap foreign sugar into the U.S. market so that the mega food-conglomerates can make more money.

The U.S. sugar and corn sweetener producing industry accounts, directly and indirectly, for an estimated 420,000 American jobs in 42 states an for more than $26 billion per year in economic activity. Defeat the Miller amendments that seek to destroy the U.S. sugar industry.

I also wan tot respond specifically to the contention by Mr. MILLER that the U.S. sugar program costs consumers $1.9 billion per year. First, the deeply flawed study by the GAO has been thoroughly discredited by the USDA. Economists at the USDA have ''serious concerns'' about the GAO report, which ''suffers in a numbers of regards relative to both the analytical approach and . . . the resulting conclusions.'' USDA concluded: ''GAO has not attempted to realistically model the U.S. sugar industry. The validity of the results are, therefore, suspect and should not be quoted authoritatively.'' As with the 1993 version of this report, the GAO assumes that food retailers and manufacturers would pass every cent of savings along to consumers—we have convincing evidence that this will not happen.

Mr. MILLER is also very critical of the moves by the USDA to remove excess sugar from the domestic market in order to stabilize the price of sugar and thereby avoid very expensive forfeitures. Several factors account for the excess of sugar on the market: good yields due to favorable weather, increased imports, and schemes that undercut the foundation of the sugar import quota such as importation of stuffed molasses (a product with a high sugar content, which is made into refined sugar) and importation of dumped sugar via Mexico under the reduced NAFTA tariffs. The Miller amendments to prevent the USDA from making purchases to reduce the supply of sugar and to avoid forfeitures will cost the government money, Purchases cost less per ton and will avoid a much larger volume of forfeited sugar. Purchases instead of forfeitures for the 132,000 tons the government purchased this year will save taxpayers $6 million in avoided forfeitures.

Sugar farmers—like other farmers—are suffering. Prices for most crops are at or near all-time lows. The government has stepped in to avert a disaster in rural America by providing over $70 billion in payments to other farmers since 1996—but no assistance has been given to sugar farmers. Moreover, sugar farmers have contributed $288 million in marketing assessments to reduce the deficit and, prior to the recent sugar purchase, the sugar program has operated at no cost to the U.S. Treasury.

It angers me to hear Members talk about the sugar program benefitting only a few wealthy sugar barons. I can tell you that the

small growers who supplied the now defunct Hilo Coast Processing Company were not and are not sugar barons. Now many are not even farmers—they are unemployed. And the thousands of people who work for or whose jobs depend on the remaining sugar companies in Hawaii are not rich. They work hard at their jobs and have to pay their mortgages and save to send their children to college.

In Hawaii, we have over 6,000 jobs dependent on the sugar industry. These are good jobs that pay a living wage, include health benefits, retirement and other benefits. U.S. sugar producers are providing these jobs while complying with U.S. labor and environmental law.

Mr. Chairman, U.S. consumers benefit from the U.S. sugar program. They benefit from the stability it ensures, and the access it provides to quality sugar produced by U.S. companies. A strong domestic sugar industry contributes to our economy by producing jobs.

The demise of the U.S. sugar industry would mean the loss of these jobs to sugar producers overseas that do not have labor or environmental protections and in documented cases use child labor to produce cheap sugar.

Are we willing to forsake our own sugar producers so that the international food cartels can buy cheap sugar produced by twelve year-olds in Brazil or Guatemala? I hope not.

In Hawaii, the decline in sugar prices has been ruinous. These prices threaten the survival of our remaining sugar companies and the livelihood of workers in our rural areas. Sugar production ended on the island of Hawaii several years ago. Nothing has replaced sugar as a viable agricultural crop and the former cane lands remain idle. Unemployment is high and drug problems have increased as have the social costs of dealing with these issues. The islands of Maui and Kauai—where the sugar industry is a major source of employment—will face the same devastating consequences if we do not give sugar farmers a fair price.

I urge my colleagues to reject the false consumer cost argument based on the GAO report, and vote today for a U.S. sugar industry that will continue to provide jobs here in America. Defeat the Miller amendments.

Mr. HILL of Montana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to carry on the debate and discussion about the issue of sugar.

I made note when the gentleman from Florida (Mr. MILLER) was on the floor. He said when the agreement was reached in 1996, taxpayers were promised that this would not cost the taxpayers any money. I want to remind the people in this room that this program has not cost the taxpayers any money.

Some people will point to the recent purchase of sugar that the administration has concluded for about $200 million. But I want to remind the Members in this Chamber that as part of this agreement in 1996, that the sugar producers agreed to pay over $288 million towards deficit reduction during the 7-year life of this program. So the taxpayers, even with the purchase of sugar, even if that sugar is never resold, still will be beneficiaries to the extent of $288 million.

The people who are advocating the change in the sugar program mostly come from districts where there are candy manufacturers. They come to the floor and argue that consumers have been hurt by this sugar program.

Let me tell the Members, sugar cane prices have gone down 17 percent since this program went into place, and sugar beet has gone down 26 percent. During that period of time, while the producers' share of the dollar has gone dramatically, the price of refined sugar has gone up 1.1 percent.

Guess what, the price of candy, cookies, and ice cream have gone up 27 percent. So somebody is taking money from the pockets of consumers. It is not the sugar producers that are taking it out of the pockets of consumers, it is the candy manufacturers.

If we kill this program, who will benefit? The candy manufacturers, among the wealthiest, most successful companies in the world. Who is going to get hurt? Family farmers and family ranchers who are out here struggling, trying to make a living.

I want to also address, Mr. Chairman, this issue of the world price of sugar. People suggest that U.S. consumers are paying more for sugar because they compare our domestic sugar price with the world price. But there is not a world price. There are not two prices, as it has been represented. There are multiple prices. Every country has its own price based upon its own market.

All the sugar that is on the world market is excess production. It comes from subsidized producers. What happens is our competitor nations subsidize their producers. They have quotas that they have to produce to. In order to get their subsidized price, which is way above our U.S. price, they have to overproduce. If they do not meet their quota of production, their quota gets cut back.

What do they do? They overproduce and dump that sugar on the market. If they had to give it away, they would not care. It does not come close to covering the cost of production because it is excess production. It is a relatively small market. To suggest to U.S. consumers that the price of sugar in this country would go down if we started buying sugar on the world market is a manifest misrepresentation of the situation.

Mr. Chairman, this has been a good program. It has helped in our area, given people alternative crops at a time when they very much need it. This is the first time this program has been triggered. In order for the program to be triggered, we have to have imports that exceed the quotas and we have to have a price that falls below the market price and the cost of production.

We need to keep this program. The amendment of the gentleman from Florida (Mr. MILLER) is really misguided and misdirected. I do not think that we should be further hurting our farmers, particularly at times when they are struggling so much.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleague, the gentleman from Florida (Mr. MILLER), for introducing this amendment. I rise in support of this amendment, unfortunately, it was struck on a point of order, to limit the purchases of sugar to $54 million.

The U.S. sugar program represents Congress at its worst. It takes precious resources held by the U.S. taxpayer and funnels them to private businessmen who are multimillionaires. The sugar program is nothing but corporate welfare that has survived solely due to the generous financial contributions from a very narrow interest groups.

My colleague knows the sugar program props up the price of sugar by restricting imports and guaranteeing the repayment of sugar loans if the price falls too low. But the sugar program is a failure. Prices keep falling. The government is spending our money in a desperate attempt to salvage its own mess. Taxpayers should not be asked to support this.

Twice taxpayers were robbed under the sugar program. First the program inflates the price of sugar. That means consumers pay more. In fact, the Government Accounting Office has been reported here as paying almost $2 billion more than they would otherwise.

Then, because the price support actually creates an incentive to grow too much sugar, the price of sugar goes down from oversupply, and the taxpayers pay directly to buy up sugar stored in an effort to prop up the price again. I think the average American understands the program quite well and they do not like it.

My office got a call the other day from a man down in Donaldsonville, Louisiana, an area where they grow a lot of sugar. The man says he owns a small dry cleaning business. He said, ''Wouldn't it be nice if the government guaranteed me a steady price during slow times? With sugar, the richest farmers in this country are getting bailed out by the government. It just isn't right.''

That man in Donaldsonville, Louisiana, understands sugar. He does not need a GAO report or USDA analysis. He lives in sugar country. He sees how it works.

Who benefits from the sugar program? The GAO has said that only two industries benefit, sugar beet growers and sugar cane growers. But the benefit handsomely is tuned to $1 billion in additional profits, $1 billion extra, thanks to the program.

Consider some of these allegedly needy farmers. One of the largest beneficiaries is the sugar family of the Fanjuls, estimated to be worth hundreds of millions of dollars, and who own extensive properties in Florida and the Dominican Republic. They also contribute vast sums to both political parties to ensure that this program stays alive.

The Fanjul family Members and business executives alone have contributed over $2 million in the past three election cycles, but they have figured out how this program works. They have figured out how it works twice. First, they grow sugar in Florida and sell it at inflated prices guaranteed by the government. They earn an additional $50 to $65 million per year from the sugar production of Florida, thanks to this program.

Next, on top of that, they also grow sugar in the Dominican Republic, one of the countries with a guaranteed contract to export sugar to the United States, because of a treaty obligation. But the import comes to the U.S. at inflated U.S. prices, not at the lower prices on the world.

Therefore, the Fanjuls, the biggest growers of Dominican Republic sugar, sell the sugar to the U.S. under the import quota and are estimated to earn an additional $80 million than they would otherwise earn because of the inflated prices under this program.

It is very smart business for them and it could only happen because of the U.S. Government and the Congress' complacency in this program.

Mr. Chairman, the sugar program is making a number of sugar growers very rich, but it is a failure as a policy. That is why the USDA had to take an unprecedented step earlier this year for the direct purchase of 130,000 tons of sugar this spring for $54 million, 130,000 tons of sugar they do not know what to do with. They cannot put it on the market, sell it overseas, they cannot give it away. It is just $54 million that is sitting in a dark warehouse somewhere, taxpayer dollars, taxpayer dollars to buy sugar that nobody wants and nobody can let them put on the market, because if they put it on the market, the price would go lower and we would have to buy more sugar. If we put that on the market, the price would go lower and we would have to buy more sugar.

Do Members see why this is important? The $54 million was just the opening bid for sugar in this country. But if we have the U.S. taxpayers' purse, if we have open access to that, we can put down another $54 million in a couple of months, and then when the Mexicans import 250,000 tons of sugar, we can put another $54 million.

Do Members get the idea? Do Members get the idea that maybe the U.S. taxpayer is being robbed to prop up the sugar industry that is failing? It is failing because of this support program. Refiners are going out of business, farmers are going out of business. Yet, we are keeping a very narrow band of these farmers in business.

We ought to stop this program now. My colleague, the gentleman from Florida (Mr. MILLER), is quite right in offering this amendment.

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

Mr. Chairman, as I heard this debate, I felt the need to come down to the floor and participate because I think the amendment offered by the gentleman from Florida (Mr. MILLER) and the gentleman from California (Mr. MILLER), which unfortunately we will not be considering today, addresses an issue that we are going to have to address as part of our trade policy, whether we enjoy doing it or not.

The fact is, Mr. Chairman, the sugar program has harmed U.S. trade policy. The United States has had a goal and policy of knocking down barriers to fair and open trade, such as tariffs, quotas, and subsidies. This policy clearly benefits domestic agriculture and domestic manufacturing.

Our trade representatives have taken a message to the world that subsidies and tariffs are bad, and we need to allow free trade to work and we need to allow markets to be opened up.

The U.S. economy is essentially free of subsidies and high tariffs, yet, despite that high ground, when our trade representatives go forth and meet with their counterparts, our trade representatives are forced to passionately defend the sugar subsidy and tariff, defend the indefensible.

Sugar protectionism in America harms our efforts to open up world markets to more important U.S. commodities and sell U.S. corn, wheat, livestock, cotton, rice, and other products overseas. It also hurts the competitiveness of American food products that are made with sugar.

We have heard some speeches on the floor about candy manufacturers, but they are not given a subsidy. They are invited to compete in a free market.

Mr. Chairman, during the recent Seattle round our trade negotiator in the agriculture discussions was trying to lower foreign protections of corn, grain, and cattle. This job was made all the more difficult because other nations could point to our absurdly generous support of sugar and call us hypocritical.

We cannot allow the sugar program to continue to be a black eye on our efforts at knocking down trade barriers for our most important products. The U.S. Trade Representative's testimony to the Subcommittee on Commerce, Justice, State and Judiciary conceded the trade negotiations relating to sugar are some of the most contentious she has had to deal with, despite sugar's relatively small share of our economy.

Because of her concession, that appropriations bill contains report language for the USTR to prepare a report on how sugar complicates U.S. efforts to discuss trade policy with other countries.

I have heard the world price of sugar described as the dump price, but the fact remains, we have in place antidumping laws to provide protection for our markets against those kinds of practices. That is the appropriate remedy, not sugar protectionism. Our trade policy should be to open up markets overseas first, not defend outdated, environmentally unsound corporate welfare benefiting a very small segment of our economy, the domestic sugar industry.

To elaborate on this, I yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, let me correct a few statements made earlier. The gentleman from Montana talked about the fact that with sugar, we were told in 1996 there was going to be an assessment of about $40 million a year for sugar, generating $280 million over the 7 years.

Guess what? They got rid of it in an appropriation bill 2 years ago. We are not collecting that money anymore, so there is no income for deficit reduction in the sugar program.

This GAO report that everybody wants to discredit, remember, the GAO is an agency for Congress, a nonpartisan, unbiased agency. This is a very complex issue. As I met with the GAO people, they brought in four distinguished academicians who specialize in agricultural economics to review this program to come up with the best type of report.

When we talk about the world trade, the world market, he is right, we have antidumping. So if France subsidizes their sugar, they cannot come in the United States. Australia, the largest grower of sugar, does not subsidize. There are growers around the world that sell at the world price that are not subsidized.

Some talk about jobs. Look at all the jobs we are losing in this country. The gentleman from Massachusetts (Mr. FRANK) talked about the cranberry growers. They cannot compete with Canadian cranberry growers. There are jobs in this country in the candy business that are moving offshore because they cannot buy candy cheaper, in Canada or the Caribbean. That is unfair competition and it is destroying jobs.

So I think this report is fully justifiable to defend the full $1.9 billion cost of the program.

□ 1530

I know the Agriculture Department and the sugar people will hire their own economists and try to dispute that, but that is the reason we have a GAO, nonpartisan, unbiased.

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

Mr. Chairman, I find it somewhat ironic that the gentleman from Pennsylvania (Mr. ENGLISH) would stand up and say there is something wrong about supporting domestic production and that the cheapest foreign price is the thing that we should pay attention to. I have heard the same individual speak eloquently in an exactly opposite way when it comes to steel. When it comes to steel, he is all about protecting domestic capacity and resisting dumped steel subsidized by foreign governments.

Mr. Chairman, I think he is right on steel, but he is dead wrong on sugar. He ought to be a little consistent. The

same problem with exposing our domestic production to dumped subsidized exports apply in sugar just like they do in steel.

Let us just talk for a moment about what is happening in the farm economy. We all know that our farmers are facing very serious distress. In North Dakota, the value of wheat has dropped 33 percent, 33 percent. Barley, 30 percent. Sugar prices are at a 20-year low. So it is a bit depressing to have to come and fight for the area where our farmers have at least some price protection, when everything else about family farming is so under stress.

Some have suggested that this is about Big Sugar lobbyists and Big Sugar refineries. In the situation in North Dakota, it is about family farmers struggling to hang on.

Here is the deal with sugar: it is one product where domestic consumption exceeds production. For the most part, we grow more than we possibly could eat, and we have to fight for exports and the competition has driven down prices. Sugar, we actually consume more than we produce.

Now, much of the world wants access to this market and the governments are prepared to subsidize their exports to get it. And if it was allowed just to go without any restriction, without protection of the sugar program, we would not have a domestic sugar industry in this country. We would not have any significant domestic sugar capacity in this country. It would all be foreign sugar.

Sugar is linked directly to the pricing of food. If we would be completely dependent on foreign sugar, our food prices, grocery store prices in this country would swing very dramatically depending on where the world price for sugar has been. So we have had a sugar program for many years now and have struck a bargain. Farmers have a price that gives them some reasonable return; consumers have food price stability and some of the lowest-priced sugar in the industrialized world.

The result is stable food pricing. The consequence of this amendment would be great volatility in grocery store prices. We have seen what has happened with gasoline just over the last year, the howls we are hearing from consumers at the gas pump this year. Last year, there was an unbelievable bargain at the pump. Unfortunately, what we have come to realize is the greatest disservice to the consuming price is volatility. Very low prices one day; extraordinarily high prices the next day, destroying household budgets, never leaving anyone knowing where they are at.

We want the price of groceries for American families to have price stability, and that is what the sugar program is all about.

Now, let us not think for a moment that the only Federal resources expended in this country is to help support sugar. Just weeks ago, my colleagues joined me in passing about $7.5 billion in economic relief to farmers because prices have collapsed, and under Freedom to Farm there is no price support protecting our farmers in these times of price collapse. Compared to commodity support, the support offered for sugar, with the much-maligned sugar purchase discussed on the floor, is very modest and, in fact, very modest indeed.

Let me give a couple of reasons why our domestic farmers growing sugar beets or sugar cane are under such threat. Number one, Canada is cheating. Canada is stuffing molasses supersaturated, full of sugar, and shipping it into our market for manufacturers who are pulling the sugar out of the molasses and getting around the ban on Canadian sugar imports in that fashion. In an absolutely ludicrous court ruling, the judge held that that was okay. It is under appeal, and I believe it is a flat violation of the Canadian trade commitments to us.

We are about to see, thanks to NAFTA, something I voted against, a very significant increase in Mexican sugar as well. It is vital to our farmers we keep the sugar program in place.

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

Mr. Chairman, I rise in support of this amendment because I think it makes a whole lot of common sense. I would say that for a couple of different reasons. I would say this amendment is important first and primarily because I think that this present program in its present configuration is just plain evil. I would go so far as to say that I think this program is the equivalent of a crack cocaine of corporate welfare, because we have been talking about family farms. What we do not see with this program are family farms.

Mr. Chairman, 42 percent of all the benefits that come as a result of this program go to 150 sugar producers in the United States. That is to say if we take about these two sets of chairs over there, and every person in each of those chairs would get about $6 million per chair. That is not a family farm.

Then we look at some of the egregious examples: the Fanjul family living down in Palm Beach are not exactly family farmers. Are they a family farm if they have a Gulfstream jet, which is a $35 million jet? Are they a family farmer if they have a yacht, which they happen to have? Are they a family farmer if they own their own resort in the Dominican Republic called Casa de Campo? Are they a family farmer if they have a mansion in Palm Beach? I don't think so.

Mr. Chairman, I do not think this debate is about family farmers, which is to a degree what we have been talking about.

I would say secondly, that this amendment is about simply the idea of watching out for the taxpayer, as the author of this amendment has pointed out. Mr. Chairman, $54 million of taxpayer money will go to buy sugar that will be used for nothing. Does that make common sense? In fact, if we look at the overall cost to the consumer based on the GAO reports, based on a number of different studies, $1.9 billion is the aggregate cost to American consumers in this program. That comes to about $15 per family in America that go to the likes of the Fanjul family who lives the lifestyle of the rich and famous down in Palm Beach. That, too, does not make common sense to me.

Thirdly, I would mention that this amendment makes sense because we have to ask a larger philosophical question. This is especially the case for Republicans. That is: Why are we here? I heard conversations about ''dump price.'' We do not want to see the dump price. Every time I turn on the television back home there is talk about we are moving to 2001 models with Ford or Chevrolet or other cars and we are dumping them down at the local car lot. ''Come on and get yourself a bargain.'' Nobody complains about those ads.

So I look at other products out there, whether we are talking about cars, whether we are talking about homes, whether we are talking about computers or shoe repair or dry cleaning. The dump price is the market price, and so it seems to me that none of that is complained about.

Mr. Chairman, all we are talking about is the market price. I live on the coast of South Carolina; and if we look at the, quote, ''dump price'' with watermelons, with cucumbers, with tomatoes, all of those are similar. Whatever the market will bear, that is what the consumer pays for. That, to me, seems to be a very Republican idea of standing on one's own two feet and working through markets.

So I think that this amendment makes a whole lot of sense for a number of different reasons.

Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. MILLER), the author of the amendment.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SANFORD) for yielding me this time. He was here in 1996, as most of the people who are participating in this debate, where we debated the issue under the authorization bill. We were told back then by Member after Member, no net cost. It will not cost the taxpayers a penny.

Last month, the reason we have this amendment, $54 million worth of sugar was purchased by the Department of Agriculture. $54 million worth of sugar, and there is no use for it. We cannot give it away around the world. Nobody wants it. They will not let us use it for ethanol. What are we going to do with it? We will find a warehouse and the Federal Government will pay money to the warehouse to store it.

Mr. Chairman, this is just the tip of the iceberg. We are on a slippery slope, because we have had the price of sugar so high. More and more people are

growing sugar. Production is up 20 percent and will be higher next year, and we will buy more and more sugar. Media reports say it could have been as much as $500 million worth of sugar in the next 90 days alone. There is going to be a problem finding enough warehouses in this country to store all the sugar from the overproduction.

We have created ourselves a mess in 1996; and we need to get a handle on it, because it is taxpayers' dollars. The $54 million, plus all of that storage, plus hundreds of millions more worth of sugar that we are stuck into buying and again having to store. This is real dollars for real consumers, and I hope we can get rid of this program in a hurry.

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

Mr. Chairman, we are having a rather bizarre debate this afternoon. It is on a subject which has already been ruled out of order; and as a consequence, it is hard to understand why we need to continue to consume time here on the floor.

But I think in terms of trying to bring closure to this, it is probably useful to observe that the U.S. Trade Representative has not done a good job by the American sugar farmers in the sense that we have stuffed molasses coming into this country. I looked in my cupboard at home at the molasses and wondered how do you stuff this stuff? I learned that there are tremendous quantities of foreign sugar coming in in the form of molasses, and it is refined and the sucrose is extracted and there it is as granular sugar. This product is then sent back up to Canada.

Mr. Chairman, we had a hearing this morning in the Committee on Agriculture, and we had the chemical companies explaining to us why they charge less in Canada and Australia for farm chemicals than they do in the United States and saying that we ought to feel blessed that we can purchase these chemicals at a higher price.

We talk about fair trade. We talk about international markets and open markets. The fact of the matter is that we do not have fair trade in this world. We have all different types of devices that exist out there to protect discrete sectors of the economy. I looked at the appropriation bill this afternoon. I noticed that we have a humble amount in there for GIPSA, the Grain Inspectors, Packers and Stockyards Administration, to try to ensure America's farmers raising livestock that we indeed have a competitive marketplace when it comes to the sale of their livestock. They are very suspicious that we do not and, as a consequence, they would like to see stronger enforcement. We learned that we just have a very small staff for a national program.

We are not devoting our resources to ensure competition in the American marketplace. Far more, we are limiting the resources that would assure us of that. And then we sit on the floor, and we talk about whether America's farmers, who are being forced out of business, many of them, including those raising sugar beets and sugar cane, ought to receive even less.

The American consumers are paying billions of dollars for petroleum products this spring and summer. We have seen the world price of oil, the per-barrel price, go from $8 to $33, $34 a barrel. We have a world market in oil and look at the consequences. Tremendous volatility. Tremendous dislocation. Look at sugar, and we have a stable price in the United States. We do not have this tremendous volatility.

The claim that the American consumer is being fleeced, it is certainly not by the sugar producer. The prices of refined sugar have gone up 1.1 percent during the period of time since 1996, in the last 4 years. Compare that to the price of crude oil. During the period of time in the 1990s, the price of products made out of sugar have gone up 27 percent. The problems that we are experiencing I think are very unfairly being laid at the feet of the farmers and a program which has, at least over the years, usually worked for the farmers.

□ 1545

It is not appropriate.

I submit that the time has come to move on with our deliberations on this bill. Hopefully we could have put more money into GIPSA to assure that we had adequate enforcement of that program.

Mr. Chairman, I yield to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I would just like to give my colleagues an example of what will happen if we get rid of this program. The truth of the matter is this world market is a dump market. The Europeans are the biggest people that dump into the world market.

I had a chance to go to Romania last year where they had a huge sugar beet industry, 12,000 farmers, 36 plants. What happened, they needed some money from the World Bank, so they forced them to give up their tariffs, which they did. The Europeans came in and destroyed their industry by dumping into their market. They now have no sugar beet farmers left in Romania. They only have 11 of the 36 plants that are operating, and they are owned by the West Europeans.

If we get rid of this sugar program under the current way that we are operating in the world, we will have the West Europeans owning the United States sugar industry in this country exactly as they have done in Romania, because we are not on a fair playing field. We have got this dump market.

We are there subsidizing higher than my colleagues claim that we are, and then they are taking their excess production, using their $10 billion of export subsidies, and dumping it into the world market. This is not a free market. It is not a fair market. My colleagues that are trying to take this apart really do not understand how this works.

Mr. MILLER of Florida. Mr. Chairman, if the gentleman from Minnesota (Mr. MINGE) will yield, I agree, we should not have a dump price.

Mr. MINGE. Mr. Chairman, I reclaim my time. In summary, I urge that we move on to other portions of this bill and recognize that the sugar program has been authorized by Congress. It is a program that is scheduled to continue to the year 2003.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, We are going to start rewriting the farm bill next year, and we have already started hearings. Sugar review is going to be part of that effort.

Some of the gentlemen that favor this amendment make a point about a lot of the money and benefits going to a few producers. Maybe we should restructure to assure that the distribution of benefits is equitable. I will research the possibility of an allocation that benefits individual producers, with possible payment limits, like we do on other commodity producers.

It would be possible for the non-recourse loan benefits to go to all producers. It may be possible to prorate the loan and limit the payments.

But here is the situation that we are faced with, not only in sugar, but in almost all farm commodities. We have other countries, for example Europe, that are subsidizing five times as much as we subsidize in this country. Again they are subsidizing their farmers up to five times the amount we subsidize in this country, and then, as has been suggested, they overproduce and their extra production, is dumped into what otherwise might be our markets or the world market.

Consumers and this body have to face a decision of whether we want parts of our agricultural industry to diminish or if we want to establish the kind of farm policy with support and help that will allow producers in this country to survive. Produced in this country where we can examine how they are grown, and assure the safety of those products.

If we don't support agriculture, here is what is going to happen. If we ruin some of our farm industries, we are going to be more dependent on imports. Eventually those imports and those people selling that product, like OPEC, will start charging whatever price they think they can get and we will be forced to accept the quality available.

I think it is in our long-term interest, for our and our farmers that we maintain our agricultural production, including sugar. As we start rewriting our 5-year farm bill next year, we do not dismantle current programs with these kinds of amendments in an appropriation.

Mr. FARR of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, obviously there have not been enough words stricken on this issue, and we need to continue talking about it.

This debate comes up every year. It is really a debate between those who support the candy industry and the soft drink industry who would like to have lower sugar prices, they buy a lot of sugar, and those of us that support agriculture. We hear, well, there is a different policy here for sugar than there is for anything else, which is not true. This is not part of the AMTA payments. We do not pay the farmers directly.

What we do in America is we limit the number of imports, and we give preference to countries that we are trying to help, particularly in the Caribbean Basin and Central America, allow their sugar products to come in, mostly cane sugar. What do we do? We pay the price that we get for sugar in America, which is a better price than they get on the world market. So it is really part of our foreign policy, this program.

Also my colleagues make it sound like we do not do anything for any other agriculture. In the last year, we have had the largest wheat purchase ever in the United States. We made another wheat purchase last April right after that for another $93 million. Then we assisted, went and purchased small hog operators, we helped them out. We assisted dairy farmers who were suffering low prices. Then in May of last year, we did the disaster assistance funds for farmers.

In June, we put $70 million into livestock assistance. In July, we put another $100 to hog farmers. In December, we assisted tobacco farmers. In January, we assisted sheep and lamb farmers. In January, we also assisted other dairy farmers; in February, the cotton farmers; also in February, the oil seed farmers; in March, the livestock production; in March, the cheese production; in March of this year, another $231 million for drought relief. Then we have done crop disaster payments totally $1.9 billion.

So America does help its farmer, and we ought to. We ought to make sure that they have a market that they can sell their product. For after all, if this all goes away, we all come here talking about what happens with urban sprawl and what is happening to rural America, I mean, rural America is our history, our culture. What we are really about is a people and where still our number one industry in this country is agriculture.

We have got to be here as representatives of districts of agriculture, supporting agriculture. This program does it without spending taxpayer dollars. I urge that we continue to support the sugar program in the United States.

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

Mr. Chairman, I think it is inappropriate to suggest that this is a debate between soft drink manufacturers and even sugar growers for that matter. This is a question of taxpayer interests. I think there is no question, this program just does not serve the interests of the taxpayer and the interests of the consumer.

I have heard two particular points made in the recent debate that I would like to address. One is the argument that, well, this is really about fair trade and that somehow, because other countries are penalizing their consumers or subsidizing their farmers to the disadvantage of taxpayers, that it is all right for us to do the same. I do not think that argument ever holds water.

Just because another country is engaged in a policy that makes no economic sense or that penalizes consumers or that distorts markets does not mean that the United States should engage in that same foolhardy policy.

Fair trade is about lowering barriers to imports and exports. We do that in order to benefit our own consumers, American consumers that should have every right and opportunity to purchase products on the world market that improve their quality of life, that enable them to be healthy, to be successful and to live the kind of existence they want for themselves and their families.

The second argument that was made suggests that this is somehow protecting one class versus another. I think that that is wrong as well.

There was a suggestion that this is about price volatility. The importance of the program is to maintain price stability. How is it ever in the interests of any American to maintain prices at an artificially high level and to then go back to the consumer and say, you see, we are protecting you from changes in price by keeping it really high so that you are penalized every time you go to the supermarket, every time you buy a product, but you are penalized at a very consistent level. I think that is a foolish argument to make and one that most Americans are going to see through.

We accept the fact that prices are going to go up at times; they are going to go down at times. But the key to true economic productivity is a fair and open competitive market, and that is what America is known for. That is at the heart and soul of the strength of our economy.

$1.9 billion in overpayments that consumers are being forced to handle every year, that is bad for the consumer. $100 million or more in direct taxpayer subsidies this year alone.

The gentleman from Florida (Mr. MILLER) has suggested that may go as high as $500 million in direct taxpayer payments, the bulk of which are going to very large, very successful, very profitable agricultural concerns.

I do not think the sponsors of this amendment bear those concerns any ill will. This is not about penalizing an industry. It is about being fair to taxpayers and consumers.

Last, but certainly not least, our environment. Do we really want to perpetuate a program that does such tremendous damage to the environment? Whether it is the Everglades in Florida or sensitive environmental lands in Hawaii or anywhere else in this country, we certainly should not engage in policies that damage the environment all the while distorting markets and taking money from both consumers and taxpayers.

I applaud the work of the gentleman from Florida (Mr. MILLER).

Mr. Chairman, I am pleased to yield to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman from New Hampshire for speaking in opposition to the sugar program.

One of the strange things of the sugar program is the way they control the prices. They control imports. What they have is a quota to different countries.

People talk about this world price. Well, I agree we should have antidumping laws. I think it is wrong if France subsidizes their sugar, they should not be allowed to sell their sugar in the United States. We have laws to protect that. I fully support those.

But places like Australia have a free market. They do not get subsidized. New Zealand does not get subsidized. They sell their sugar on the world market every day at about a third of the price of the United States. So there is a world price for sugar.

One of the other strange things about this corporate welfare issue is this foreign aid corporate welfare. Now, Australia sells their sugar around the world for 9 cents a pound, whatever the world price is. But what do we do in the United States when we buy sugar from Australia. We do not pay the same world price, we pay the high U.S. price of 27-some cents a pound. That is amazing.

Australia, New Zealand, Jamaica, you name the country, the Dominican Republic, they sell it around the world for the world price; but the United States pays this high price to these countries. Now justify that one.

Mr. SUNUNU. Mr. Chairman, reclaiming my time just to be clear, that is a direct transfer of money from the American consumers to foreign corporations.

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

Mr. Chairman, I intend to say things that have not been said to this point. I think it is very important, we hear all the crocodile tears for consumers. I am speaking as someone from Hawaii associated in people's minds, people who are listening to us and people back in their offices, associated in people's minds with sugar.

Well, the policies that we have pursued in this country supposedly about fair and impartial and open trade have destroyed sugar in Hawaii. My colleagues will not have to worry about it.

The gentlewoman from Hawaii (Mrs. MINK) has already come down here and said that we are not going to be affected by this. I am here to say the same thing.

Sugar is effectively destroyed in Hawaii. I hope everybody is happy with that. Because what we have all around the world is wage slavery and child labor producing the sugar. Now, if that is determined to be and defined as free and open markets and free markets seeking their profit level as well as their price, then one can define it that way, but I do not.

If one wants to define it as having other countries environment be degraded while ours is somehow upraised in the process and call that fair, one can do that.

The fact of the matter is that child labor, what amounts in my mind to slavery, is used all over the world to produce its sugar. Yes, there are subsidies and oligarchy existing in the rest of the world where sugar is concerned that ought to make us weep with shame to think that we would import that sugar and say that that is some net advantage to the consumer.

It has been said already, and I want to emphasize that, that none of this imported sugar, where there are no health standards, where there are no environmental standards, where there are no labor standards, none of that sugar that is imported at that price is going to be reflected in any product that is sold in this country that will be taken as profit.

□ 1600

Maybe people will applaud that. If my colleagues feel that it is a good idea to make a lot of money off of other people's pain and suffering, then I suppose that that is something that my colleagues would welcome. I do not. I think we set standards.

The great irony, Mr. Chairman, for me, coming from Hawaii, is that the people who would lose their jobs, not these rich people in Florida, if my colleagues do not like these rich people in Florida or they disapprove of the way they live, then find a way to tax them or put them out of business or do whatever; but do not tell me that somebody working on a plantation in Kauai with his or her hands, working in the fields all their lives by the sweat of their brow, is on the same plane and should be treated the same as someone who my colleagues think is getting undeserved riches from what happens with a program that we passed.

Fix the program. Do not attack the people who are the victims of my colleagues' self-righteousness. If my colleagues want to come down on this floor and attack sugar, then they are attacking people who are working for a living and who came from countries who are now being subsidized, who are dumping sugar into this country, whose ancestors came here looking for just an opportunity for justice, looking for just an opportunity for equity, looking for just an opportunity to earn a decent and fair living. Those people are being put out of business. Those people are losing their jobs because of the programs that my colleagues support to import wage slave sugar in this country.

As long as I am on this floor, and as long as I am in this country, and I am in this Congress, believe me, I am going to be standing up for working people against those who would take advantage of them.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as the guests of the House and that any manifestation of approval or disapproval of the proceedings and other audible conversation is in violation of the rules.

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

I will not be as passionate as the previous speaker. I was just sitting here listening to that speech and the other speeches thinking about what a wonderful place this is, because last night, I should not even say last night, earlier this morning the gentleman from Florida and I were here on this floor, and we were on the same side of an issue.

We do not grow a single sugar beet in my district in Minnesota, but we do grow a lot of sugar beets in Minnesota. In fact, in Minnesota it is a $2 billion industry. It is a very important industry, and particularly in northwestern Minnesota, again, very nonpartisan areas represented on both sides of the Red River by Democrats.

I want to talk about the sugar program just briefly, if I can, both from the perspective of agriculture policy and for budget policy, because I think it is interesting how people of good will, people who may agree or disagree on different issues, can look at the same set of facts and come to such incredibly different conclusions on them. Let me just share with my colleagues my conclusion.

If we look at the sugar title in the farm bill, it does not cost the American taxpayer a penny. We make money on the sugar title. I would invite any of my colleagues to come to my office, and we will go through that with them.

Another thing that has been said is that American consumers are paying more. In the first 3 years of the 1996 farm bill, and I have a small chart here which we did not have time to make into a big chart, but if we look at these red bars here, the price paid to the farmers for raw cane sugar and wholesale refined sugar dropped by 23 percent. But what happened for the consumer? Well, the retail price of sugar did go up, 1.2 percent; the price of candy went up 4.6 percent; and the price of cereal went up 5.8 percent. So a lot of the things we are talking about here today, the farmer is getting less for his sugar; but we are paying more for candy and some of the things sugar goes into.

Let me just say that this really gets at the very core of why we have farm policy at all. Why do we have a farm policy at the Federal level? I think the reason we have a farm policy is to ensure that Americans have an adequate supply of safe food, and we have a farm policy to act as a shock absorber for some of the ups and downs in the market and some of the things that happen in terms of Mother Nature and floods and pestilence, and all the other things that can affect agriculture and farmers.

And if we look at the sugar title, I think it really is the example we ought to use for all of our farm programs, because we do not subsidize sugar, although it is supply management to a certain degree; but at the end of the day what we have done is guaranteed an adequate supply of a very basic commodity for American consumers at very reasonable prices.

I do not think that is too much to ask. I think it is a good program. And, frankly, I respect the gentlemen who are bringing this; but again I have to say that we look at the same set of facts and come to completely different conclusions.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. GUTKNECHT. I yield to the gentleman from Florida.

Mr. MILLER of Florida. There has been a change since the program was approved back in 1996. In 1996, we were told no net cost, and there was going to be this assessment of about $40 million a year that would flow into the Government.

First of all, that assessment has been done away with in an appropriation bill, I think, 2 years ago. The other thing is that because we are trying to keep that price high enough, we are having to buy sugar. Last month, in May, for the very first time since 1985, we bought $54 million worth of sugar in order to prop up the price, and we have no use for that sugar. And according to media reports, between now and the end of September, we could buy another $500 million worth of sugar.

That is where it is going to start costing us money. We have $54 million worth of sugar now, and we have nothing to do but to put it in storage. No one will take it around the world. So things have changed in the past 45 days.

Mr. GUTKNECHT. Reclaiming my time, I think the gentleman is generally correct in that. Right now no one would buy it. But when is the best time to buy a commodity? When the price is low. We should be buying sugar right now, and we should sell it when the price starts to go back up. That makes sense. That is supply management.

At the end of the day, this program will cost the taxpayers nothing. It will save future taxpayers and consumers a great deal. We need a strong sugar industry in this country, and they are forced to compete every day against heavily subsidized sugar from around the rest of the world. I support open

and free trade. We had that debate last night. But we do not have free trade, we do not have fair trade in the sugar industry, and, frankly, I think I would have to rise in opposition to the motion that the gentleman is trying to propose.

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

Mr. GUTKNECHT. I yield to the gentleman from New Hampshire.

Mr. SUNUNU. I want to address the point that somehow the new farm policy is to buy and sell to manipulate the price of the commodity sugar in the market. I think that is a very dangerous precedent to set.

We should not be manipulating prices in the sugar market or candy or grain or beef or oil for that matter. Price controls do not work.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is about this time of year that I think about my colleague from Florida, who I am certain, along with a lot of Members of this House, find former President Reagan to be one of their heroes. Now, most of my colleagues know that I was not the biggest fan of the former President; but he sure did know how to turn a phrase, and one that keeps coming to my mind, and that we use often here on the floor is, ''There you go again.''

It is summertime and we are debating the agriculture appropriations bill and the opponents of this Nation's hard-working sugar farmers are at it again. It seems each year at about this same time, we have to have this vote. It is a waste of time and of this body's attention. Let me explain why, Mr. Chairman, in a very simple way.

Let us look at the real issue here. The price of sugar in the United States is at a 20-year low, 30 percent lower than when we passed the farm bill. Yet all the things that have sugar in them in the supermarket have increased in price. Why is it, Mr. Chairman, sugar prices are down for growers and up for consumers?

What we really should be doing here is taking a hard look at the big food companies who, in the final analysis, cause this amendment to come before us. The real truth is they just want sugar cheaper so they can pad their already fat pockets.

Now, I ask the Members of this House if they have, in the last week, received in their offices e-mails and calls regarding the price of oil? My bet is that they have. As yesterday and on into the night last night we discussed the price of medicine, have my colleagues received e-mails and calls from their constituents around this great country of ours regarding that? I am certain that every man and woman in this House has received such a call. I ask any of my colleagues to tell me if they have received a call because sugar prices are too high.

Now then, I would like to address specifically my colleague, my good friend, the gentleman from the west coast of Florida (Mr. MILLER), who earlier in his comments made the statement that the price of sugar elsewhere around the world is cheaper. Well, I just want to use two countries, and I got this price today before coming to the floor, in Winn-Dixie and Publix, major supermarkets in my district and the district of my colleague in the State of Florida, the cost of a pound of sugar today is 32 cents. In England, it is 50 cents. In Germany, it is 50 cents. I have difficulty understanding how it is that we are going to gain this particular cheapness that I hear the proponents of this amendment offer.

Now, I would like to say something else for purposes of the edification of the body. The United States Agriculture Department, USDA, has denounced the GAO report that has been continuously paraded here. I have also heard talk about who these farmers are. Let me say proudly that I represent many of the sugar farmers, along with my colleague across the aisle, the gentleman from Florida (Mr. FOLEY). We represent in this country 75 percent of all the sugar cane grown in the United States of America. And that includes the much-maligned Fanjul family, who have done a considerable amount of good that has not been paid attention to in that area, and that includes United States sugar industry representatives as well.

What I believe my colleague does know is that there is a United States cooperative that has 54 family farmers involved in the production and farming of sugar. Those farmers help in our State alone to produce good jobs. I am not talking about jobs for the average kind of wage that we think of when we think of the stoop labor that used to be directly involved in cane sugar growing. I am talking about jobs for machinists that start at $60,000 a year, I am talking about jobs for people who drive trucks, black and white people, that make $40,000 and $50,000 and $60,000 a year. We are talking about good jobs.

So when we put a human face on this thing, if my colleagues come with me to Clewiston and to Belle Glade, and to Pahokee, they would see people who are working in this industry. And while it was one thing for my colleagues to offer $50 billion phased in for estate taxes, somehow or another they find it difficult to find $54 million for growth in jobs.

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

Mr. Chairman, I have listened to the debate over the course of the last hour with great interest. I think it is an example of how we have a tremendous capacity on the floor of this Chamber to talk past one another. It is an example here of one of many items where people get involved in a vicious cycle of subsidization that ends up savaging the markets, disadvantaging consumers, and posing great risks to the environment.

We could have had this same conversation about what happens with products in the fisheries industry. Estimates have been made that it costs about $1.33 in total cost and government subsidies to deliver $1 of product that is harvested from our oceans.

There is no doubt in my mind that the sugar industry around the world is subsidized in many areas and produces distorting effects. But I do not think that the answer here is for us to step back and try to somehow imagine away the distorting effects in our country.

We have heard on this floor that there is a disproportionately few number of people who benefit from this. If people want to step back and provide benefits for small family farms, I will be the first to look at ways that we can, in fact, do that in a cooperative fashion. But this program does not do that. It is not targeted. And, sadly, that is the case with many of our other agricultural subsidies that we spend billions of dollars on. Precious little gets to the small family farm, and they continue to go out of business each and every year.

□ 1615

I think we have had people back away from the myth that somehow this is paid for by magic, that there is no risk to the consumer or to the taxpayer. And I thank my colleague the gentleman from Florida (Mr. MILLER) for talking about that; and, if time permits, I would like to discuss it further with him.

The notion somehow that prices here are too low, well, what is happening in the face of prices being too low and a worldwide glut, the evidence is that every year since 1996 production has increased in terms of the acreage in the United States, every year since 1996; and the estimation for the year 2000, with the terrible prices, the threat of world dumping, all of the things that we have heard, the estimates are that we are going to plant at least as much as we did last year.

But my particular interest has to do with the vicious cycle we are in in terms of the environment. We heard our colleague the gentleman from California (Mr. GEORGE MILLER) talk about the cycle that we are in in terms of subsidization, more imports at lower prices, having to subsidize and purchase more, stockpiling sugar, at least at this point that we do not need and we have no market for.

But I am concerned with the cycle that we are involved with in terms of the Everglades this Congress is involved with, and I commend the effort to try and repair decades of damage to that fragile ecosystem. It is a situation in south Florida where people are going to end up having to desalinate water in the foreseeable future, a product that is going to cost them more than petroleum and that is going to taste about as good.

Yet, what are we doing in this Congress to deal with the serious problems that are associated with it? The sugar program is clearly harmful to the environment in south Florida. The subsidized production of sugar in Florida

results in this phosphorus-laden agricultural runoff flowing into the Everglades, contributing to the destruction of the ecosystem. And we do not have enough money to fix that.

But, amazingly, the Government continues to support the sugar program in south Florida even as we are asking to put up more money to repair the destruction. And, in fact, according to the information I have received, the production in Florida for cane sugar has gone up every year since 1996 and this last year was an estimated 10,000 more acres, compounding the problem.

Mr. Chairman, I yield to my colleague, the gentleman from Florida (Mr. MILLER), to see if I understand correctly the dilemma that we are facing in this Congress.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for his support for the Everglades.

The Everglades is a national treasure, just like the Grand Canyon is, the Everglades National Park down there. My colleague has been to the Everglades, I know, and is very supportive.

The Senate recently passed a bill that is going to cost $8 billion to restore the Everglades. Because of Government problems, we lost land in the Everglades. Half the Everglades is gone, and sugar is causing even more destruction.

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

Mr. Chairman, I want to speak about sugar beet farmers in Michigan and Minnesota and North Dakota in the area of the country that I come from. And the question that they must be asking now is, why on Earth, when we are providing billions and billions in emergency support for family farmers, would we want say to the SDA that they cannot buy surplus sugar from a group of growers who have been among the hardest hit in the country?

The message that we send these families and these farmers is that their sweat and their toil and their hard work is not worth a dime, that their labor is not valued, and that their product should just be thrown to the wind.

This amendment, if offered, would have driven a number of beet and cane growers out of the business, ensuring that sugar loan forfeitures actually occur at great cost to the U.S. taxpayer.

Let me put some perspective on this issue. We heard this debate rage on now for a while on the floor. And as the gentleman from Oregon (Mr. BLUMENAUER) has just said, other nations provide huge subsidies to their sugar growers and then they try to flood our market with cheap foreign sugar.

Yet, how do some people in this institution respond to that? They want the USDA to turn their backs on our growers and even purchase the excess sugar for the established food programs that we already have.

Now, that is not a level playing field. It is a slippery slope toward eliminating that part of the agricultural sector of our economy.

On top of all of this, to make matters worse, when we passed the North American Free Trade Agreement back in 1993, it had a provision in there, and we warned people about this, and it said that Mexico will be able to increase their export sugar to the United States from 25,000 metric tons to 250,000 metric tons later this year, a ten-fold increase.

So now we are having not only domestic problems, we are going to have a surge coming in as a result of this treaty from Mexico. We are not to be surprised by this because, of course, when we did that very same treaty, we, basically, put those people in our country who produced tomatoes out of business.

If my colleagues go to south Florida, the State of the gentleman from Florida (Mr. MILLER) that had just spoken, or if they go to the Eastern Shore of Maryland today, they do not grow the tomatoes anymore. The reason they do not grow them is because that treaty provided provisions where a child of 10, 11, and 12 could pick the tomatoes, they could have pesticides sprayed on those tomatoes that are not allowed here, and they are undercut and forced those workers and those farms out of business.

So, in an era of budget surpluses, Mr. Chairman, one can only conclude that this is a concerted attempt to drive these farmers out of business. And it needs to be stopped, because they are not only the backbone of their communities, but they provide a valuable commodity to the people of this country.

I hope that this amendment will indeed not be offered and that the people that toil on our Earth to provide us with the food at such a reasonable cost will be provided with the opportunity to provide a living for themselves and their families.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $693,000.

AMENDMENT OFFERED BY MR. BERRY

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

The Clerk read as follows:

Amendment offered by Mr. BERRY:

On page 31, line 14, strike ''693,000'' and insert $0; and on page 36, line 13, strike ''41,015,000'' and replace with ''41,708,000''.

Mr. BERRY. Mr. Chairman, my amendment cuts $693,000 out of the salaries and expenses of the office of the Undersecretary for Natural Resources and the Environment at the Department of Agriculture. It puts this money in the Resource Conservation and Development Account.

My intent is to point out that farmers are tired of being abused by the bureaucracy. This money would be much better used to assist our producers in the field.

Enough is enough. It is time to draw the line.

Just yesterday, in the Committee on Agriculture, we had a hearing on EPA's proposed rules on total maximum daily load. This rule would devastate farmers by requiring permits for normal, everyday farming practices.

Sadly enough, it was quite clear by the performance of the gentleman from EPA and USDA that their interest is in regulating, let us just regulate.

EPA has overstepped its bounds with this rule and many other rules that they have proposed. We might as well not have an Undersecretary for Natural Resources and the Environment. This money would be better spent, as I have said, in technical assistance for our farmers in the field.

We can no longer stand by and allow more and more regulations to be placed on America's farmers that benefit no one or nothing.

One concrete example is a survey that I have here with me that is proposed by the Administrator of EPA which would go to every aquaculture producer in this country. This survey would require farmers, under penalty of law, to turn over their income statements and balance sheets.

What does confidential financial information have to do with water quality? Nothing.

The USDA should stand up for America's farmers and prevent such misdirected Government regulation from going forward. This has not happened. This is part of the job of the Undersecretary for Natural Resources and the Environment.

In the past 9 months, the administration has proposed at least 10 new regulations to be imposed on agriculture. Most of these regulations have come from EPA. With each regulation, EPA has failed to follow a transparent process and use good science in an effort to show the need for what they are trying to do.

This problem has not been the goal to clean the environment. The problem has been with the process and principles used to make regulatory decisions and the collusion between the Natural Resources and Environment Agency and EPA.

The USDA must stand up to these bureaucratic, unscientific, and impractical efforts of EPA. Our farmers are faced daily with overwhelming bureaucratic rules that they can no longer tolerate. The USDA should be representing this viewpoint. They have not, as I have said. This includes the regulations on total maximum daily load proposals.

Let me be clear. Farmers need an advocate in the decision-making process.

We must have an advocate at USDA, and they should be fulfilling this role. I hope that in the future the USDA will stand up for agriculture in this process.

My amendment is intended to highlight the need for an advocate. Producers must be represented as these decisions are being made. I would hope that this amendment would bring attention not only from USDA and EPA, the Fish and Wildlife Services and all the other Federal agencies that seem determined to tell every farmer and landowner in this country exactly what they can do and how they can do it.

Agriculture deserves to have a voice and especially when regulations are being developed.

Mr. Chairman, I urge the Congress to stand up for America's farmers and approve this amendment.

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

Mr. Chairman, I rise in strong support of this amendment and commend my colleague, the gentleman from Arkansas (Mr. BERRY), for offering this.

On the Subcommittee on Appropriations, as well, we have had great difficulty in dealing with the specific item that the gentleman from Arkansas (Mr. BERRY) has mentioned.

This office is, quite frankly, a loose cannon. It is not standing up for the rights of farmers. The USDA is supposed to look after the interests of American agriculture; and in this particular case, with this particular office, it is not.

The issue of the total daily maximum load that would impose onerous regulations on American agriculture is out there, and this office is supposed to be looking after the interests of agriculture and rejecting these costly, onerous regulations that are pending out there for American farmers.

Also, this office has been audited by the Inspector General, who discovered that $21 million in this budget that is overseen by this office was not used appropriately. These are dollars that could go to American farmers and ranchers who are interested in conservation programs. And instead, throughout the years, it has spent money, misappropriated money, misspent money on crazy ideas like wall murals and civil lawsuits and are working on an agenda that is out there that no one even knows for sure what they are doing.

This is the United States Department of Agriculture. Again, it is supposed to be looking after the interests of our farmers and ranchers. Money contributed directly to the Sierra Club. It does not matter what interest group is out there advocating or fighting for whatever the cause that they are interested in, this office should not be giving this money away when farmers and ranchers are in desperate need of it, and for field trips for some of these groups for goodness sake. That is not what the American taxpayers should be spending.

I questioned the head of this office, as well as the gentleman from Arkansas (Mr. BERRY) did in the authorizing committee yesterday, questioned him extensively on why is all of this going on. What is this, a rogue operation out there, a mission that no one is authorizing or interested in pushing? And somehow someone has given this office the authority to work on these interests that, again, have nothing to do with the well-being of American agriculture.

□ 1630

So I commend the gentleman from Arkansas (Mr. BERRY) for offering this amendment, will strongly support it. We have to put a stop and rein this loose cannon in.

Mr STENHOLM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I must say that it saddens me somewhat to have to rise in support of the amendment of the gentleman from Arkansas (Mr. BERRY). However, I have been tremendously disappointed with the leadership shown, or lack of leadership shown, by the U.S. Department of Agriculture during the entire process that has led up to the publishing of the TMDL rule, the Total Maximum Daily Load.

During the entire process, there has been much, much to be faulted. There are serious questions about the science and financial analysis underlying these new water quality regulations proposed by EPA. Recent reports by the General Accounting Office, the Society of American Foresters, and other respected experts have questioned the wisdom of EPA's proposed rules.

Our colleagues on the Committee on Transportation and Infrastructure have called on the EPA to withdraw this rule, as have a number of agricultural and environmental groups.

Even USDA, in their own testimony before the Committee on Appropriations, took strong exception to some of what EPA proposed in their TMDL rule, although they seem to have tempered that concern somewhat.

This House has already spoken on this issue with a provision passed by the House in the VA–HUD appropriation bill that does not allow EPA to implement the proposed rule in FY 2001.

Now, USDA has the technical and scientific expertise to review the actions of EPA and help guide them toward a reasonable solution that might actually work in the field, and that is why the gentleman from Arkansas (Mr. BERRY) offers this amendment today and why it is very pertinent to the discussion today.

If the Department of Agriculture is not willing to use their resources to stand up to EPA for the benefit of farmers and ranchers and the environment, then we should spend their money helping those same landowners that are already trying to preserve their soil and protect water quality. That is the simplistics of this amendment.

Now I find it very frustrating, because I happen to have been chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry when we reorganized USDA in 1992 and one of the things we agreed to in this Congress and with the administration was that we wanted to improve the ability of USDA to be a coequal with other branches of government when it comes to dealing with environmental and food safety issues.

The problem is that we do not have a coequal when one part of the coequal does not stand up for that which is in their own testimony and also in which they have said we agree. So the purpose of this amendment today is pretty simple. It is delivering what we hope will be a very strong message to both EPA and to USDA that common sense must apply, and to all of those groups that keep pounding on EPA to do things that do not make common sense, to require our farmers and ranchers to spend unlimited amounts of money fixing a problem that may not be fixable with any amount of money.

If we could just come back, just come back to a common sense approach in which we recognize that farmers and ranchers want to solve the TMDL problem, I certainly in my district have some very serious problems in which all farmers and ranchers are willing to work with reasonable people to come up with a reasonable solution that will solve the problem.

Therefore, I am not here today saying we should do nothing, but many times doing something is very, very detrimental to the very cause in which we are talking and today it is clean water.

When there is someone within a bureaucracy that so believes they are right, that they are completely, completely willing to ignore all common sense and forge ahead with requiring paperwork burdens and things that absolutely will not solve the problem in the opinion of everybody but them, there is a problem.

So this amendment is very serious. Let us put the money where there is an indication that we will have a willingness to solve the problem. Hopefully, though, we will have the kind of common sense approach to this question that will lead us to a solution that can be embraced by all. Certainly that is the desire of farmers and ranchers that I represent in my district, in my State and the other 49 States.

To those out there in EPA land, listen carefully. We want to work with them. We do not agree with those of them who believe that the only solution is theirs and they want to do it in the quiet of the night. We want to work with them. Let us work with them. Quit demanding that it be done only their way.

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

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Arkansas (Mr. BERRY), and I recognize and understand the frustration that has driven the gentleman to this fairly serious amendment.

As I am sure it is in the district of the gentleman and all of the districts of the other Members, it is not the common sense regulation approach of the Federal Government that concerns people. It is the approach and the regulations that simply do not pass the logic of the stupid test. This subject is one that has gained the attention of agriculture all across this country, and it has gained their attention in a very negative way.

As the gentleman from Texas, my colleague, mentioned, we felt somewhat excited about the fact that the U.S. Department of Agriculture, the agency that we look to to speak in behalf of the American farmers, not as a rubber stamp but those who understand the problems of agriculture, as well as any other agency of government, was going to have a more equal role in making the decisions that were going to affect farmers, with other agencies of government.

When the total maximum daily load issue arose sometime back, we felt that USDA would be there to explain what the benefits or what the costs would be to agriculture, in fact, felt quite heartened by a letter that was written that talked about the hundreds of millions, even possibly billions of dollars of expense that this was going to impose upon agriculture, and without having the scientific basis on which to base these regulations that are proposed, whether or not it would even accomplish the good that EPA was trying to accomplish.

Well, subsequent to that time, I will describe the actions of USDA as we would back in Texas. They have basically tucked tail and run and now have become almost a rubber stamp for the EPA. Well, this concerns us a great deal because this is moving forward in an area that we do not believe is scientifically based. It is moving forward in an area that we believe is going to be extremely detrimental, and it is moving forward in an area that we do not believe is going to do the most good.

The gentleman from Texas (Mr. STENHOLM) and I and 92 of our colleagues have introduced a bill that would stop the implementation of the regulations. There are several other bills in both the House and the Senate, and totally there is almost half of the Congress that is supporting at least one or a variety of these bills.

I think that if nothing else that this should send a strong signal to USDA and hopefully to EPA as well that they have in the past run roughshod over the American farmer. We do not intend to let them run roughshod over the U.S. Congress.

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

Mr. Chairman, I rise in strong support of this amendment. Agriculture is the number one industry in our great country, always has been and it always will be, because our folks depend on a good quality supply of food to feed themselves and their family, and we are very blessed and we are very lucky here.

Agriculture all across the United States today is in some very, very difficult times. Particularly from a commodity price standpoint and from a weather standpoint, we have been through some tough years; but we have survived, and we have survived in part because we have had some policies in part that have been adopted here and some policies that have been carried out of USDA that have been beneficial to agriculture.

There is a current mindset at USDA that in my opinion is anti-agriculture, and that mindset has been no more appropriately displayed than has been the case with the issuance of the TMDL ruling and the failure on the part of the United States Department of Agriculture to stand up for farmers and forestry landowners in opposition to this unfair, capricious, and arbitrary rule that was promulgated by EPA.

This amendment strikes at the heart of establishing common sense at USDA because what it does is remove some people at USDA who very honestly do not have common sense. I do not care whether one talks to them in a hearing setting that we had yesterday or whether one talks to them just standing on the side of the road discussing agriculture with them. This amendment, in my opinion, is a very important amendment; and it does more than send a message. This amendment helps to establish the fact that we in Congress are going to continue to work to establish common sense in this town, and the folks in the various agencies around better get the message because we are going to do it.

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

Mr. Chairman, I also want to acknowledge that this is a real issue in my part of the country because indeed those people who are affected feel that the system has not worked simply because the bureaucracy has not understood nor taken the time to find all the information based on science.

I just feel that they have not been fair in listening to both sides of the issue. I for one stand as a person who believes in the environment, so I do not take shortcuts. I embrace this issue as an issue that we should wait imprudently for economic development. I take as a part of my faith that actually the environment is God's creation and we should do everything to preserve it and certainly, as we move into this area of trying to balance and have clean water, it is equally important that we are fair in that.

The tree farmers and those affected, they also honor the land not only because that is where they get their livelihood, but they love the land. To find that they are put in this kind of situation of having to determine that they are not polluters or they are not doing all they want to do to preserve the land is grossly unfair, and it is not based on science.

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

Mrs. CLAYTON. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Chairman, I thank the gentlewoman from North Carolina (Mrs. CLAYTON) for yielding to me.

Just to make sure that our colleagues understand this amendment, what we are saying is there is a process in which most folks in USDA and EPA have agreed to from time to time, and that is to allow the participation of all interests in this case, those groups concerned solely with conservation, but also not only those individual groups but also producers. There is a mistaken belief among some that farmers and ranchers are always on the opposite or other side of conservation, clean water and clean air; and nothing could be further from the truth.

What we are saying and have been trying to say and have been almost totally ignored thus far by EPA is that we want to be included. We want to have them decide and discuss sound science and the rationale behind their proposal in this rulemaking and do it in the sunshine so everyone can see their rationale and can hear those who disagree, and then reasonable people can come together and can come up with a solution that accomplishes what we all want to accomplish.

That has not been followed. That is the frustration that we have had not only on this issue but also on the Food Quality Protection Act. We are simply saying very strongly, as we know how, USDA, if they choose not to exercise their authority, as they stated to the Committee on Appropriations when they said in a letter that they take strong exception to what EPA is doing, if they took strong exception to what USDA is doing, why have they now decided to go along with what EPA is doing?

□ 1645

That is the message today, and I urge my colleagues to support the Berry amendment.

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

Mr. Chairman, I just want to make a couple of points. I guess, first of all, as a farmer myself and someone who grew up on a family farm now and in the fifth generation over 110 years, the idea that somehow farmers are not concerned about the environment, about maintaining the land and the quality of their environment is simply outrageous, and to me is very, very offensive.

We are the ones who, in my family, drink out of the well where the water, where the runoff is going to go. We are the ones who have to live in this environment, and it is the most important. It is our biggest asset as farmers to maintain the quality and the land itself and the clean environment.

It is very personal and very real to anyone who lives on a farm like I do. I will also tell my colleagues as someone who strongly believes in trying to preserve the family farm that these new regulations are not going to harm the big mega hog lot producers, the big mega cattle producers, chicken producers, those folks are already in compliance with every new regulation that is being proposed. It is not going to cost them one more dime to comply with these regulations.

What it is going to do, Mr. Chairman, is bust the small family farmer out there who cannot afford to comply with these regulations. We talk about concentration in agriculture, about doing away with the family farm, then we have bureaucrats here in Washington who want to put regulations who are only going to hurt the little guy.

Let us not forget about what this is about. The big mega hog lots are already in compliance with these regulations. It is not going to hurt them a bit, but it is going to kill the family farmer out there. That is what is so outrageous about this whole idea and about the USDA basically backing off and saying okay, you go ahead, put mandates on small family farmers, let the other folks go as they are.

Mr. SMITH of Michigan. Mr. Chairman, in light of the June 27, 2000 hearing on water pollution and the impact of EPA's proposed Total Maximum Daily Load (TMDL) rules on agriculture and silviculture, I would like to express my disappointment with the EPA approach to this problem and voice my support for Representative BERRY's amendment to cut funding from the office of the Undersecretary for Natural Resources and the Environment. In recent years, public concerns about surface water contamination by nutrients, in particular nitrogen and phosphorus, has intensified as agricultural practices have been identified as a significant contributor to non-point source pollution. While we have made great progress in the past 30 years at cleaning up our waterways through addressing both point and non-point source pollution, much room for improvement still remains. The EPA idea of Total Maximum Daily Loading was introduced to address these problems directly, but unfortunately calls for unreasonable and unrealistic changes in our current pollution prevention programs.

Though I have long recognized the importance of managing agricultural nutrients in a manner that both sustains agricultural profitability while protecting the environment, I am strongly opposed to EPA's TMDL plan, and equally disappointed with the extreme lack of communication, consistency, and straightforwardness by the Department of Agriculture on behalf of American farmers. It has become evident that the EPA overstepped their bounds in the development of their TMDL proposal, avoiding communication with farm groups and Congress, picking and choosing data to support their own regulatory agenda, and underestimating the cost of this program to our states and farmers. Though I am thoroughly disappointed by the EPA's actions, I am even more disappointed that our own Department of Agriculture has stood behind this questionable proposal and turned its back on our farmers. For these reasons I applaud Mr. BERRY for his amendment transferring $693,000 to the Department of Resource Conservation and Development so farmers can be assured that the USDA is in fact working for them, not against them.

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

So the amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $676,812,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,125,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to carry out any activity related to urban resources partnership or the American heritage rivers initiative: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

AMENDMENT NO. 8 OFFERED BY MRS. KELLY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. KELLY:

Page 32, line 20, strike ''or'' through ''the American heritage rivers initiatve'' on line 21.

Mrs. KELLY. Mr. Chairman, I offer today an amendment to strike language from this bill which prohibits funding from being used for the American Heritage Rivers Initiative. I feel this prohibition is inappropriate, as it imposes a serious detriment to river communities in 25 States, which have chosen to be a part of this initiative.

American Heritage Rivers Initiative began in 1997, the purpose behind it being to refocus and improve our efforts to preserve the cultural, economic and historic values of rivers throughout the country. Since then, the initiative has served as an effective tool in supporting voluntary community efforts to restore rivers and revitalize river fronts.

Despite the potential it holds for some of our Nation's treasured resources, the communities which have accepted designations under this initiative have been subjected to repeated efforts to undermine their intentions, primarily through the placement of funding restrictions on various agencies involved in this enterprise.

The bill being considered today continues this effort by prohibiting funding for the National Resource Conservation Service from being used for purposes under the initiative.

I realize that these restrictions have been spawned in part by an undercurrent of concern among those who feel the initiative represents some sort of Federal intrusion into local matters.

To this point, let me say this is simply not the case. Throughout the process, proponents of the initiative have gone to great lengths to ensure that local control is not circumvented. In fact, it should be argued that local control is not only preserved, but enhanced by an increased awareness of the options that are available through already existing programs.

It should be made clear that the American Heritage Rivers Initiative involves no new mandates. It involves no new money, and it is entirely voluntary. Those communities which are on designated rivers but choose not to be involved are under no obligation to do so. Those which do choose to be involved are subject to no new regulations.

I further understand that some object to this initiative because of its origins, and because of the way in which the administration has worked with and responded to Congress in their effort to implement it. When it comes to reports of opposite-minded and uncooperative officials in the administration, I am not without sympathy for my colleagues.

Nevertheless, I rise today with this proposal for the simple fact that the restriction in this bill affects stubborn actions not nearly so much as it does

the river communities in 25 States across the country which made a conscious choice to be a part of the initiative. I should emphasize that I am not on the floor today with some proposal to force this initiative on communities that do not wish to be a part of it. Nor do I come here today with a proposal to take away a Member's right to preclude communities in their district from being eligible for the initiative.

I am here because I object to the practice of placing these restrictions on communities which have made a choice to be a part of the initiative. Members representing those communities should not be forced to go from bill to bill to bill to ferret out these kinds of restrictions simply so they can try to protect their constituents from being penalized for their decision to be a part of this initiative.

If there are objections to the American Heritage Rivers Initiatives, I believe there are more appropriate and reasonable approaches than to simply tack restrictions onto a spending bill.

I believe that Members of this House who represent communities which have chosen to benefit from the American Heritage Rivers Initiative and Members who believe that these communities should not be penalized for making this decision ought not to sit idly by to watch its gradual deconstruction through appropriations processes.

Mr. Chairman, I encourage my colleagues to support this amendment.

Mr. KANJORSKI. Mr. Chairman, I rise in support of the amendment of the gentlewoman from New York (Mrs. KELLY), which would eliminate language in the Agriculture Appropriations bill that would prohibit funds in the bill from being used on activities related to the American Heritage River Initiative.

The language currently in the bill would bar most USDA funds from being used to support and coordinate the American Heritage River Initiative. This broad language could be interpreted to prohibit most USDA agencies from undertaking community-oriented service or environmental projects related to the American Heritage Rivers. This could selectively put at a disadvantage 25 States that contain all or portions of the current 14 American Heritage Rivers.

I would like to compliment my colleague from New York (Mr. HINCHEY) who at the full committee was successful in having language inserted in the bill. The bill language would not affect the Hudson River, which the gentlewoman from New York (Mrs. KELLY) represents, and the Susquehanna River which I represent, but it would still not remove the bar and the effect on the other 12 Heritage Rivers in the country.

The fact of the matter is that this initiative, although sometimes attacked, sometimes understood and sometimes misunderstood by some of our colleagues is not a threat of the American government to the American people. It is, in fact, reinventing government at its best. It says basically that each community along the river or groups of communities have and are encouraged to put together comprehensive programs to celebrate the historical significance of their community to protect that, to add and think about the economic development elements that their river affects in their community and to provide for historical preservation.

Mr. Chairman, the essence of the success of this program was really set out when the initial applications were made when 126 rivers across America competed for designation as an American Heritage River in the first round, and that competition was some of the stiffest competition I have seen since I am a Member of Congress.

There were 14 that won the initial round, 14 rivers. I think to use the appropriation process to bar Federal funds to move to this program would be wrong from this standpoint. This is a creature of reinventing government.

Some of the very basic problems in our governmental structure is that funds flow down through the departments and agencies of government in a very narrow focused way. What this initiative calls for across government is to come together in an agreement and agencies and departments and bureaus of the Federal Government to cooperate with those communities that have set out a comprehensive plan, that plan has been reviewed and thought to have great merit and then these agencies to cooperate in this comprehensive effort to be more efficient and effective in expending Federal funds to further the plans of those local communities.

Mr. Chairman, I cannot think of anything that is more American, more supportive of community activity and that should not be inhibited, either in the appropriation processes here or by the nature in which this program was originally established.

I want to compliment my colleagues, the gentleman from New York (Mr. HINCHEY) for the process itself, protecting the Hudson and Susquehanna Rivers, but I want to compliment the gentlewoman from New York (Mrs. KELLY) to carry that protection to all 14 rivers of the American Heritage River Designation and Initiative.

With that, Mr. Chairman, I wish to urge all my colleagues on the Democratic side, together with my colleagues on the Republican side, that this is indeed good policy. It is something that is starting to show areas of success, and we should not prohibit or inhibit the American communities from participating in honoring and preserving and forwarding the success and effort of the American Heritage Initiative.

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to begin by congratulating the gentlewoman from New York (Mrs. KELLY). I was very lucky when this competition began, because I have two of those 14 rivers designated in my congressional district as American Heritage Rivers. I think it is important to recall what the objectives were as we began down this course. First, natural resource and environmental protection, something we certainly can all rally to. Second, the question of tasteful growth and economic revitalization. Third, and perhaps the most important, historic and culture preservation.

This initiative involves the coordination of a number of agencies, as well as the cooperation of local leaders, but the main initiative here is to help people who live near these rivers effectively coordinate their efforts to preserve, protect and revitalize the watershed areas.

What is significant about the Blackstone River, where much of our industrial heritage grew from or certainly the Connecticut River, which is New England's mightiest river, is that virtually everything that occurred in the Pioneer Valley began because of the Connecticut River.

There are few words in American history or, for that matter, world history, that are more powerful than the word river. The success of these initiatives not only are underway but the navigators have been put in place. The catalyst that these rivers offer I think for further tasteful growth and development are very important to all of us.

Let me, if I can, take one moment to congratulate the late Senator John Chafee, who was a great champion of this initiative and, indeed, much of the growth in the Blackstone Valley and the success that we have had with that proposal stems from the commitment of former Senator Chafee, the navigators have been entrusted with the revitalization of these two rivers and they have done a tremendous job in a very, very short period of time.

These proposals represent no threat to local property owners, indeed, if anything, they have enhanced the property values of those who live along these waterways. Let us not deny the hard-working residents and business leaders of the river valleys of the Connecticut and Blackstone our support.

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

Mr. NEAL of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, I know that we have had a lot of time spent on this, so that we can proceed, I urge a vote on the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, the American Heritage Rivers Initiative is a popular, effective and completely voluntary program.

Claims that the program somehow violates property rights have been rejected by this Congress, the courts and the communities who participate in the Initiative.

Having failed to abolish this program outright, the anti-river forces are now attempting to starve the program to death through a series of small funding cuts.

These attacks are unwarranted, unwise and should be defeated.

BACKGROUND

The American Heritage Rivers Initiative (AHRI) was first proposed during President Clinton's 1997 State of the Union Address.

The program was actually established in September, 1997 through Executive Order, after an extensive notice and comment period. The notice and comment period included a series of public meetings held around the country.

One hundred and twenty-six rivers in 46 states were nominated for designation and, in 1998, President Clinton selected 14 of those rivers, running through portions of 25 states, for designation.

The rivers selected in the first round include some of the most vital waterways in America including the Hudson, Mississippi, Rio Grande, and Potomac Rivers.

Contrary to the claims of opponents of the program, AHRI remains extremely popular. Nearly 200 Members of Congress, more than 500 mayors, and 21 Governors have expressed support for the AHRI. CEQ receives new nominations, in addition to the 126 received in the first round, regularly.

WHAT AHRI DOES

The program allows local communities to voluntarily nominate a river in their area for designation as an American Heritage River.

For those rivers selected, a ''River Navigator'' is appointed to help coordinate federal, state and local efforts to protect the qualities which made the river eligible for designation in the first place.

Anyone who has attempted to navigate the sea of federal, state and local grant and technical assistance programs understands why a river navigator working on behalf of each of these rivers is necessary.

AHRI is designed to identify some of the most important waterways in this nation and make certain that any and all efforts to protect those rivers are as targeted and well coordinated as possible.

The program is about achieving managerial efficiency and using federal resources to leverage private funds.

WHAT AHRI DOES NOT DO

The American Heritage Rivers Program is in no way a federal ''land grab.'' The program involves no land acquisition or condemnation authority.

AHRI is not an attempt to limit the use of private property. The program involves no new regulatory authority of any kind.

The AHRI does not waste a single tax dollar. The program does not involve the expenditure of any new funds. Rather, the program takes money that likely would have been spent on general water quality programs or other environmental protection efforts and attempts to focus and leverage those funds more effectively.

The program has no international component. Claims that this initiative is somehow part of a U.N. conspiracy to control America, a claim which has been made regarding this program, simply have no basis in fact.

EFFECTS OF THE LIMITATION IN THE BASE BILL

Language inserted in the base bill would prohibit any funds in the bill from being used to carry out the American Heritage Rivers Initiative.

Specifically, this would prohibit the Natural Resources Conservation Service (NRCS) within the Department of Agriculture from participating in the program.

The effect would be two-fold. First, the NRCS is the conservation assistance arm of the Agriculture Department. This limitation would prohibit NRCS experts from working with local communities, which have requested assistance, to improve water quality, prevent soil erosion, re-vegetate eroded areas, restore habitat and wetlands and help create economic development opportunities.

The limitation leaves the AHRI program standing but robs the program, and the 14 rivers and 25 states included in the program, of expertise critical to achieving the goals of the program.

A second effect is even more devastating. A representative of the NRCS happens to be co-chair of the Interagency Task Force which coordinates the AHRI. If the language stays in the bill, it would cripple the entire initiative by removing one of its current leaders.

Rather than address the program on its merits, this funding limitation, another like it in at least we other appropriations bills, seeks to weaken the program by robbing it of crucial know-how and manpower.

CONCLUSION

Attempts to abolish the American Heritage Rivers Initiative are based on misunderstanding of the program and, in some cases, purposeful mischaracterizations.

Legislation to end the program never made it to the floor and a lawsuit challenging the program failed.

AHRI is fiscally and environmentally responsible, which is why it is so popular. This attempt to strip the program of the tools it needs to continue succeeding should be defeated.

Mr. BLUMENAUER. Mr. Chairman, my community has been working hard to restore the water quality in the Willamette River. We recognized that the American Heritage River program would make the federal government a better partner in this effort and spent years working to get the Willamette River so designated.

The Heritage River program has funded a river navigator who works full-time on behalf of our local governments and watershed groups. The River Navigator provides an important link between the river communities and the appropriate federal agencies and programs to clean the river. The local Heritage river communities have already dedicated an enormous amount of time and effort to this program without any additional funding, and we are committed to seeing this program develop to its full potential.

I am concerned, however, that the bill as written undermines our efforts. The bill's restrictions on heritage funding do not represent the type of support that was promised when the Willamette River and her sister rivers were designated. Since current federal participation in water resource management is poorly coordinated, we should not be stepping back from this commitment. I urge my colleagues to join with me in supporting the Kelly/Kanjorski amendment.

Mr. KIND. Mr. Chairman, I rise in support of the Kelly-Kanjorski amendment and ask that the House support its adoption. This amendment recognizes that inclusion of language to prohibit funding for the American Rivers Heritage Initiative into the Agriculture Appropriations Act is short-sighted and ignores the tremendous benefits of this important program.

Since its inception, the American Heritage Rivers Initiative has been extremely popular with communities and local government officials. Currently, there are over 50 communities that are included in the Upper Mississippi River American Heritage River Initiative. Four (4) river communities within my district participate in this program.

''River towns'' are some of our nation's oldest and have rich cultural, social and natural histories. In the past, many of these towns were forced to turn their backs on the river because the costs associated with redevelopment were too large and the planning process too cumbersome. Today, however, as a result of this initiative, people are returning to the river and seeking to integrate it into their daily lives. The communities in my district are working to invest in riverfront development projects that share the story of their communities' pasts while also stimulating much-needed economic development.

With help from the ''River Navigator,'' these communities are better able to identify and utilize Federal programs and services that assist them in meeting the objectives of natural resources and environmental protection, economic revitalization, and historic and cultural preservation.

Mr. Chairman, the American Heritage Rivers Initiative is a successful program and should not be eliminated as a result of the shortsightedness, misinformation, and false allegations by those who seek the initiative's demise.

I urge adoption of this amendment.

Mr. HOEFFEL. Mr. Chairman, I rise in support of the Kelly/Kanjorski amendment to strike language in the Agriculture Appropriations bill which prohibits conservation funds included in the bill from being used for purposes related to the American Heritage Rivers Initiative.

The Initiative was created to insure that all local efforts to protect rivers were coordinated and targeted. No new federal funds were obligated, no new regulatory authority was created, and there was no provision for federal land acquisition. When President Clinton created this Initiative, forty-six states voluntarily took part by submitting applications for 126 rivers to be designated as a Heritage River. Fourteen were selected including the Upper Susquehanna-Lackawanna River in PA.

Even though the Initiative is completely voluntary, there have been detractors which continue to attack it. Efforts to abolish it have failed and a lawsuit designed to eliminate it has been dismissed. In this legislation there is another effort to disable this very successful program.

The Agriculture Appropriations bill contains an anti-environmental rider which prohibits any conservation funds under the bill from being used for the Heritage Rivers Initiative. This would prevent the USDA from sharing information with other agencies to benefit all river communities. While there is a partial exemption for the Upper Susquehanna, other river communities are denied the benefits of this initiative.

Today, the Schuylkill River is a key focal point for Southeastern Pennsylvania. A major community and economic development project is underway in Montgomery County bringing new attention and energy to the river and its surrounding communities.

There will be hiking, biking, and equestrian trails as well as other recreational paths in a

linear park along the riverbank. There will be a water trail for canoe paddlers, kayakers, fisherman and other boaters. There will be a fish ladder constructed at flat Rock Dam to make the river passable for fish with the hope of restoring the once plentiful American Shad to the waters upstream.

While the Schuylkill River is not a designated Heritage River, the river has benefited from this initiative. The Council on Environmental Quality disseminates information to local communities like those in Southeastern Pennsylvania on how to coordinate efforts and where to look for federal resources.

There are the benefits that the America Heritage River program can offer to all communities across the country not just the fourteen designated rivers. The American River Heritage Initiative is a program that deserves our support. Vote to strike this unfortunate anti-environmental rider by supporting the Kelly/Kanjorski amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment, which would remove an unnecessary and counterproductive spending limitation from the bill.

The spending limitation is an attempt to cripple the American Heritage Rivers program. Yet the benefits of this program are visible and real, the alleged problems are unproven and imaginary.

The American Heritage Rivers program is voluntary, communities apply to win the designation. And the competition for the program is intense. Communities of all sizes from all regions of the country have been applying to the program. So unless all these communities are delusional, there must be a real benefit to the program.

And there is. The program helps communities to focus on economic development programs along the rivers and gives them greater access to a wider and better coordinate assortment of federal agencies for help. Sounds like a good idea to me.

What this program does not do is impose any additional regulatory burdens or coerce anyone into participating.

So why would we shut down a program that localities want, that improves the targeting and coordination of federal programs, and that comes with no federal mandates? I can't think of any reason. And indeed there is no reason unless one believes that paranoia should prevail over common sense and that imaginary fears should triumph over proven, practical benefits.

Let's show that common sense can prevail. Vote for the Kelly amendment and help communities around the country redevelop their riverfronts.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of this amendment which would strike the restrictive language in the Agriculture Appropriations bill that prevents any funds from being used for the American Heritage Rivers Initiative (AHRI).

This initiative has received and continues to receive unprecedented support from the residents in my district; including residents of the Connecticut River Valley, business owners, Chambers of Commerce, environmental leaders and local-elected officials. This initiative is not being forced on the American people by their government. It is and has always been a voluntary initiative. The community involvement is voluntary and they can terminate their participation at anytime.

The people who live along the Connecticut Rivers and other Heritage Rivers realize the value of these great natural resources. They have come together with a deep resolve to not only clean up their rivers, but to promote economic revitalization in their communities. The partnership created by the residents, environmentalists and business owners will create a clean, healthy environment while boosting a thriving tourism industry.

There has also been tremendous bipartisan support for this initiative within Congress. Over 200 Senators and Representatives wrote letters of support for one or more Heritage River applications. There should be no opposition to this program simply because it does not create any new rules or regulations for state and local governments. Furthermore, it does not create additional costs because funding comes from programs authorized for river restoration.

The detestable language used to prevent the use of funds on any of the 14 Heritage Rivers is just another attack on the environment. It is another effort by so-called private property advocates to derail local initiatives.

I urge my colleagues to join me in voting in support of the Kelly/Kanjorski amendment to the Agriculture Appropriations bill (H.R. 4661).

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. KELLY).

The amendment was agreed to.

The Clerk will read.

The Clerk read as follows:

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,868,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

□ 1700

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

I want to say a word with regard to the amendment that just passed.

The American Heritage Rivers program is one of the proud initiatives of the Clinton administration. I think that as the years go by, it will be increasingly recognized as such. A decade from now, indeed, 100 years from now, people will recognize that the American Heritage Rivers initiative coming from the Clinton administration was one of the important environmental initiatives, among many, that the Clinton administration has been responsible for. I am very proud to be a supporter of that initiative, and I am also very proud that New York contains two of the rivers that have been designated in this initiative, the Hudson River and the Upper Susquehanna, Lackawanna Rivers.

I want to say also with regard to the amendment that just passed, although it is an amendment that does absolutely no harm, it is also an amendment that was, in fact, unnecessary, because as a result of the cooperation of the gentleman from New Mexico (Mr. SKEEN), the chairman of the Subcommittee on Agriculture of the Committee on Appropriations, we were able to place language in the bill which removed any ambiguity whatsoever with regard to the Department of Agriculture's ability to fund the Upper Susquehanna and Lackawanna River and the Hudson River American Heritage Rivers. It is a fact that these are the only two rivers that are funded in any way by the Department of Agriculture. The other American Heritage Rivers are funded through other appropriations bills and are under the auspices of other agencies.

So with the cooperation of our chairman, the gentleman from New Mexico (Mr. SKEEN), we were able to take care of any problem that may have been foreseen to have existed with regard to these heritage rivers; and the language in the bill makes it clear that the Department of Agriculture may, in fact, and will, in fact, continue to fund the Hudson River navigators and the Susquehanna, Upper Susquehanna/Lackawanna Rivers and other aspects that relate to the American Heritage Rivers program of these two rivers, these two rivers being the only two rivers that, in the American Heritage Rivers initiative, are funded through the Department of Agriculture and, therefore, under the jurisdiction of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

WATERSHED AND FLOOD PREVENTION OPERATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $83,423,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $12,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed $44,423,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That notwithstanding any other provision of law, of the funds available for Emergency Watershed Protection activities, $1,045,000 shall be available for DuPage County, Illinois for financial and technical assistance: *Provided further*, That up to $4,170,000 is

for the costs of loans, as authorized by the Watershed Protection and Flood Prevention Act (16 U.S.C. 1006a), for rehabilitation of small, upstream dams built under the Watershed Protection and Flood Prevention Act (16 U.S.C. et seq.), section 13 of the Act of December 22, 1944 (Public Law 78–534, 58 Stat. 905), and the pilot watershed program authorized under the heading ''Flood Prevention'' of the Department of Agriculture Appropriations Act, 1954 (Public Law 83–156, 67 Stat. 214): *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That none of the costs for such rehabilitation activities (including any technical assistance costs such as planning, design, and engineering costs) shall be borne by the Department of Agriculture: *Provided further,* That the Department may provide technical assistance for such rehabilitation projects to the extent that the costs of such assistance shall be reimbursed by the borrower, and such reimbursements shall be deposited into the accounts that incurred such costs and shall be available until expended without further appropriation. In addition, for expenses necessary to administer the loans, such sums as may be necessary shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $41,015,000, to remain available until expended (7 U.S.C. 2209b): *Provided,* That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $588,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $775,837,000, to remain available until expended, of which $33,150,000, shall be for rural community programs described in section 381E(d)(1) of such Act; of which $668,988,000, shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $73,699,000, shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided,* That of the total amount appropriated in this account, $12,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes: *Provided further,* That of the total amount appropriated for Federally Recognized Native American Tribes, $250,000 shall be set aside and made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development for federally recognized tribes: *Provided further,* That of the total amount appropriated in the Rural Community Advancement Program account, $2,000,000 shall be for an agri-tourism program: *Provided further,* That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: *Provided further,* That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further,* That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: *Provided further,* That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: *Provided further,* That of the amount appropriated for rural community programs not to exceed $5,000,000 shall be for hazardous weather early warning systems: *Provided further,* That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $5,000,000 shall be for rural partnership technical assistance grants; $2,000,000 shall be for grants to Mississippi Delta Region counties; and not to exceed $2,000,000 may be for loans to firms that market and process biobased products: *Provided further,* That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, of which one percent may be transferred to and merged with ''Rural Development, Salaries and Expenses'' to administer the program; not to exceed $18,515,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That of the total amount appropriated, not to exceed $42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $30,000,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 37, line 10, insert ''(reduced by $2,000,000)'' before '', to remain available''.

Page 37, line 11, insert ''(reduced by $2,000,000)'' before '', shall be for''.

Page 38, line 3, insert ''(reduced by $2,000,000)'' before ''shall''.

Mr. HEFLEY. Mr. Chairman, this amendment cuts what I think is questionable government spending by $2 million. The money was dedicated to agritourism in the Rural Community Advancement Program.

Now, on the television program ''20/20'' John Stossel has a segment at the end every time that is called ''Give Me a Break.'' I guess I would say to this program, give me a break. Agritourism. This program just does not meet the laugh test, it seems to me.

Congress should provide real solutions for America's embattled farmers instead of creating wasteful spending programs. The number of small farms in America has fallen from over 300,000 in 1978 to 170,000 today. Last year, 260,000 American farmers were hit by natural disasters, claiming $1.3 billion in damages. The number of farmers has dropped from 6 million in 1933 to less than 2 million today. We all know of the terrible drought conditions being faced this year by farmers in the Southeast.

Agritourism is not a bad idea, because look what some of the examples are: cut your own Christmas tree, pick a pumpkin out of a pumpkin patch, roadside produce stands where people can meet the farmers who grow their food, pick and process grapes in a vineyard. All of these programs are a great way for American farmers to raise money. But all of these programs are for profit. Farmers make money on these programs. Why should the Federal Government subsidize them?

Congress should not create wasteful programs that will only benefit a few. We need real solutions, real progress, real programs in Congress to help our farmers. This amendment is a good way for Congressmen to stand up against government waste in the agriculture appropriation bill, which is often known as a vehicle for pork barrel spending.

Mr. Chairman, I would encourage support of this agritourism amendment.

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

Mr. Chairman, on behalf of the committee, I think we can all agree that people in rural America are going through some very hard times. The purpose of the agritourism program is to offer our rural communities another way of developing their economic potential. This bill supports a number of economic development programs in rural America. It offers loans and grants for cooperatives and small businesses, and it supports basic infrastructure that rural communities need to survive. The money for agritourism is just one more part of that effort.

Mr. Chairman, this program has strong bipartisan support on the committee. It does not earmark the money

for any particular State or community. All rural areas are eligible for the funding.

I ask my colleagues for their support for economic opportunity for rural America and to vote no on this amendment.

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

Mr. LATHAM. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to identify with the remarks of the gentleman from Iowa (Mr. LATHAM), because this is a very modest amount to invest in some hope and some opportunity in an area of the country where people are really hurting, rural America. Family farms are struggling to make ends meet; and constantly, we in Washington say, do not come to Washington and expect us to write a blank check for all sorts of subsidies and everything, we are reducing those. We want you to diversify and come up with new opportunities so you can stay on the farm and yet make a decent, livable income.

So a lot of farms are just trying to do something like this, and I think it makes so much sense. It is an innovative program, and I want to compliment the committee for addressing this program in such a prudent, responsible manner.

Mr. LATHAM. Mr. Chairman, reclaiming my time, I thank the gentleman from New York. I would really like to associate myself with his remarks and remember that we are trying to encourage our farmers to diversify, to find new crops, new ways of generating income in rural America; and also, I will tell my colleagues as a member of the Commerce-Justice-State subcommittee, I find it interesting that we give microloans all over the world; and yet we will not help our local rural communities to develop small businesses just like we do all across the world.

So I would hope that while I understand the gentleman's concern from Colorado, I would certainly hope that this very small program, which I think does some good and will do some good, would be able to continue. I urge a no vote.

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

Mr. Chairman, I rise in opposition to this amendment and support the Vermont agritourism initiative. I do so because first of all, the committee and the House have approved this initiative. I want to commend the gentleman from Vermont (Mr. SANDERS) for his leadership on this. We all know what is happening to farms, especially small and medium-sized farms across our country.

The name of this subcommittee is Agriculture and Rural Development, and this is one of those activities that falls in the area of rural development. For all of the other Members here who have supported this in the past, it is very interesting to think about some of the articles we read in the newspapers today, about people getting shot on the freeways in California. Just the stress of being on those roads every day and to have to commute hours a day. People are looking for relief from the stress of modern society. Then we read other articles about a place like Lancaster, Pennsylvania, which is known to have a number of people of Amish heritage and which also has benefited from agritourism over the years. There are so many visitors to Lancaster county, 7 million visitors. It is one of the most key destinations in Pennsylvania for tourists. They cannot even handle it.

The American people and visitors from abroad are looking for the experience that rural America can provide. We do not really have a very well-coordinated set of initiatives across this country to help people move through the rural countryside. I remember when I was traveling in Europe years ago and they had a whole system of bed and breakfasts, one could go to the main tourist bureau in the town and they would give you a list of where to stay. America is beginning to catch up. But we are far from where other countries in the world are in this regard. There are a few tour books. I know in Michigan I picked up one in a bookstore about some of the places one could visit in the State of Michigan.

Mr. Chairman, as rural incomes decline and prices decline in terms of commodities, and we are going through this extremely difficult period in rural America right now, people in rural America are looking for ways to enhance their income. They are not asking for a handout, they are asking to use the assets they have, which include their farmland, their barns, their communities, their community activities, in order to bring in people from the outside who have extra dollars to spend and invest.

So I really think agritourism is a vital element for economic growth. It is one of the answers for us in terms of restoring vitality to rural America. Really, we need to celebrate the natural wonders and educational opportunities that rural areas and the people there offer to all of us.

Perhaps the gentleman has a good intention of trying to be fiscally responsible; but I think that this is not a forward-looking amendment, because many parts of the country, including Vermont which does not have the highest income in the country, that is for sure, sagging incomes and a very precarious rural situation, this is really part of the answer for the future for Vermont as well as many other places.

Mr. Chairman, I would just like to commend the gentleman from Vermont (Mr. SANDERS). I apologize if I have not listed all of the cosponsors of this proposal. I would be pleased to yield to the gentleman any remaining time that I might have in order to further discuss the gentleman's opposition to this amendment.

Mr. SANDERS. I thank the gentlewoman.

Let me just associate myself with the remarks of the gentleman from Iowa and thank him for his support, and I thank the gentleman from New York and the gentlewoman from Ohio. I also want to thank the gentleman from New Mexico (Mr. SKEEN) for his support of the concept of agritourism.

The gentleman is aware that agritourism has worked very, very well in New Mexico and in many other parts of this country; and we should all be clear that what we are talking about now is a national program. Vermont is experimenting, getting into it, New Mexico is in it, Ohio is in it, Massachusetts, New York. But this is a national program which will accept competitive applications from people all over this country.

I should say that as the gentlewoman from Ohio (Ms. KAPTUR) has already indicated, there is strong bipartisan support for the concept of agritourism and an understanding that it would really be very unfair to family farmers all over this country who, as the gentleman from Iowa pointed out, are looking for alternative sources of revenue.

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

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

The point here is that as commodity prices decline, and that is true for dairy, it is true for many other commodities, family farmers are looking for alternative sources of revenue. One of the sources of alternative revenue that they are looking at is agritourism. What we are looking at here is a $2 million program that would help family farmers all across this country.

□ 1715

The key issue here, which is an interesting concept, is that, as the gentlewoman from Ohio (Ms. KAPTUR) just said, people from cities all over the country go to rural areas in order to enjoy the peace and beauty that exists in rural areas.

One of the reasons that the rural landscape is beautiful is because our family farmers keep that land open. It seems to me what we have to try to do is make sure that family farmers get a fair shake, get a fair return in terms of the agritourism money that is spent in their States; that it is not just the ski areas, that it is not just the fancy hotels, but that some of that money goes out into the rural countryside and helps the family farmers who need it the most.

Let me just give a few examples of what farmers in Vermont and throughout this country are doing, and why we need additional help for family farmers to get involved in what is a growing national concept.

Family farmers throughout this country are converting their guest

rooms into small bed and breakfast operations. That means that on the weekend and maybe a few days a week they have a room available for a tourist to stay in.

But in order to do that, in many instances, they might need a loan to convert the guest room into a bed and breakfast. They might need some help in learning how they can market what they are developing. It is not so easy for farmers suddenly to get on the Internet and to know how to bring guests into their home.

Farmers are now encouraging tour buses to stop by and learn what family agriculture is about. But in order to be successful, they might need a loan or a small grant to build a restroom. If you are going to have a busload of people coming by, you might need a restroom there, improved parking facilities.

Farmers might want to build snowmobile trails through their fields and woods so people can come and use the snowmobiles. It might cost a little money in order to maintain those trails and in order to advertise what they have available.

In some instances, people who own apple orchards might want to do some value-added work. I know of an instance where somebody, instead of just doing apple picking in the fall, what they are doing is baking apple pies, selling them to tourists. They might need a few bucks to build or buy a new oven, a commercial-sized oven, and to deal with the health regulations in order to do it.

The list goes on and on and on. And the gentleman from Iowa made a good point about we give out these microloans all over the world, and they are good loans, they are successful, but a few thousand, a few hundred dollars to a family farmer could literally make the difference, if that money is converted into $5,000 in additional revenue stream. It is the difference between whether that farm stays up or goes under.

I happen to think that we are going to see is that agritourism is going to be spreading all over. It is good for the urban folks who want to get out and have the kids see what farming is about.

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

Mr. SANDERS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank my colleague for his remarks.

Mr. Chairman, there is an environmental aspect to this because urban sprawl is a concept that concerns us all. One of the reasons we have urban sprawl is that so many family farms are so hard-pressed that they have no choice but to sell their land for development. That is not good for them, that is not good for us. It just adds to urban sprawl.

If we have something like this, the microenterprise, small assistance package, we can help them and help increase the family farm income. That is an objective worthy of our best effort. I thank my colleague for yielding.

Mr. SANDERS. Just in conclusion, Mr. Chairman, there is no argument that family farmers all over the country are losing their farms. This is a national tragedy.

I do not claim that this $2 million is going to save the world, but I think what it will do is add energy to a growing concept by which farmers can gain the greater share of the tourist dollar that they deserve. Tourists come to their areas because they keep the land open.

I would urge strong opposition to the Hefley amendment.

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

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

Mrs. EMERSON. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I thank the gentlewoman for yielding.

Most of the things that have been said I agree with. It is great to have farms there. That is good for the environment, there is no question about that. It is a matter of whether this program makes any difference or makes any sense. The gentleman from Vermont (Mr. SANDERS) said this program is doing well. Great, let it do well, but why does the Federal government have to participate in it?

When we talk about building bed and breakfasts, people build small businesses every single day without a special program like this. If they need help for it, if they need small business loans, we have a Small Business Administration. We have a small business loan program for that. If they need guidance in how to make a small business thrive, then they have small business guidance programs to train them in how to make a small business thrive.

If they need to build a restroom, by gosh, the lumberyard on the corner that gets started, it does not have a farm loan to build its restroom. It figures out how to build a restroom as part of its small business.

To me, Mr. Chairman, this seems to me to be the perfect example of the classic farming of the Federal government, rather than farming of the land. It just makes no sense to me at all. If people want to go watch people milk cows, watch corn grow, I think that is great. I think it is great. You have a tourism industry to do that. I do not know why the taxpayers of the whole Nation need to subsidize that.

Mrs. EMERSON. Mr. Chairman, let me close by commenting on the remarks of our colleague, the gentleman from Colorado.

As the cochairman of the Rural Caucus with my very dear friend, the gentlewoman from North Carolina (Mrs. CLAYTON), I am a little taken aback. It strikes me as something that is very important to say, because everywhere I go in rural America, it does not matter, in my district, which is 26 counties of very, very rural and somewhat remote areas, the economic prosperity that seems to be pervasive in the suburbs and in some of the cities is nowhere to be found.

The Federal government reimburses our hospitals for Medicare at a fraction of what the cities get. We have hospitals closing right and left. We have folks in my district who cannot get local TV, who cannot get cable TV, who have no means by which to find out what happens in an emergency. Education funds are lacking, infrastructure funds are lacking.

Everything that we want to do to preserve our heritage, to preserve the very heart and soul of the country, is what my colleagues are all talking about.

I would ask our colleagues to please make sure that we defeat the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. Chairman, I wanted to say a word about the amendment offered by the gentleman from Colorado, because I think that it is important that the full dimensions of the effect of his amendment be more clearly understood by the Members of the House.

One of the strengths of American agriculture is its diversity. We grow enormous amounts of food and fiber in this country. We do it in very diverse ways under very diverse circumstances. I suppose that some people living on the edge of the Great Plains may not have an appreciation for the small farms that exist in other parts of the country.

The gentleman from Vermont (Mr. SANDERS) told us quite a bit about the circumstances of family farming in Vermont. Those circumstances are very similar to those that exist in New York and other places in New England and in the central States, as well; I think on the West Coast, in many instances, also, as well as many parts of the South. As we have heard from some of our colleagues, that occurs in the Midwest, also.

In many areas, particularly in areas where farmers are trying to survive on the edge of metropolitan centers, there is great pressure coming out of those metropolitan centers for the land on which agriculture now is carried out.

We have a great interest in this country, I think, in keeping that land in agriculture and supporting those farmers who live near metropolitan centers and doing everything we can to help them continue in agriculture. That is, first of all, because the products that they produce are important to us. The food and fiber that comes out of those farms is important to those metropolitan areas and to other places all across the country. So we have an interest in keeping those farms viable, successful, economically strong, allowing those family farms to make a living and helping them to do so.

We perform in a variety of ways here in this Congress to support agriculture. Just earlier this year we provided $5.5 billion, $5.5 billion in supplemental crop payments for farmers who needed assistance in the Great Plains and elsewhere.

I live far away from the Great Plains, but I understand the problems of agriculture in the Great Plains. I supported that $5.5 billion of supplemental payments and crop insurance in that bill. I did so because I have an appreciation for the problems that those farmers are facing out in the Great Plains and elsewhere who would benefit from that kind of support from the Federal government.

The Federal government has a strong and long history of providing support for agriculture here in the United States. That I think is appropriate, and we should continue to do so.

What we are asking for here today, the gentleman from Vermont (Mr. SANDERS) and myself and the others who sponsor this small amount of money in the agriculture appropriations bill, is simply this, a recognition of the kind of circumstances under which agriculture on small farms, in orchards, in vegetable farms, in vineyards and other similar circumstances around the country, have to operate in order to survive.

Agricultural tourism is increasingly becoming a very important part of that, a very important part of their economics, the economics that allows them to continue operating their farms, feeding their families, providing the produce from those farms that are so highly valued by the other Americans who consume them.

This is an important program. Yes, it is relatively new, but it is very important. I hope that the vast majority of the Members of this House will join all of the rest of us who have spoken on this bill this afternoon in showing that we appreciate agriculture in its great diversity. We appreciate the small vegetable farms, we appreciate the orchards that grow apples and other fruits. We appreciate the vineyards that grow vines for the production of wine and other agricultural products from those vines.

We want to do what we can to sustain those farmers in agriculture; keep that land out of other less appropriate, less environmentally sound, less ecologically healthy development, keep it in agriculture.

The way to do that in large measure, Mr. Chairman, is by supporting agricultural tourism and this small amount of money that is asked for in this appropriations bill.

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

Mr. Chairman, I rise in support of the concept of the gentleman from Vermont (Mr. SANDERS) in the bill. I think the idea of agritourism is essential to a changing agricultural landscape in my State.

When people think of New York State, they do not necessarily think of agriculture. I remember when I first came down here as a candidate, I went to see Frank Horton, who was then the dean of the New York delegation. I sat down and we talked. He said, if you get elected, what committee do you want to be on? I said, I want to be on Agriculture. He said, Well, we will do the best we can, but it is a very competitive situation. The first thing you have to do is get elected. So I was elected. Little did I know that he was just dying to get somebody from New York on Agriculture.

Again, New York State's number one industry is agriculture, but it is a changing scene. The dairy farms that are spread across New York, as they are across most of the northern tier of the country, are relatively small: a lot of woodlots and streams and rivers and gullies. A lot of it is not suitable to large-scale agriculture, so dairy farms are what have been what populates it.

But what the farmers are doing, because the prices are difficult in dairy, they are trying to diversify. They want to stay on the land. They want their children to stay on the land, so they try to find other ideas.

There is one farmer in my district in upstate New York near Syracuse who turned a corn lot into a maze; planted the corn according to a map and planted it in the form of a maze, and advertised. He made ten times as much money on that small plot, several acres, ten times as much money on that acreage as he did prior when he was just planting corn.

□ 1730

There are vegetable farms and truck farms, fruit farms all around central New York that encourage the city dwellers to come out from Syracuse, Albany, even the folks who come from New York City. And you can always tell them. They have a dress shirt on opened at the top with a T-shirt, black pants and black shoes. We love to see them come; they usually have lots of money in their wallet. And they love to come upstate and see us rubes, and we like to take their money.

One of the ways we can do that is by supporting agritourism. It is an opportunity for our small family farmers to stay on the land, to make some money, and improve their lot. And nobody husbands that land better than those farmers; nobody takes care of that land better than those farmers. They are protecting the environment. They are keeping the streams clean. They are rotating their crops properly. They are working the wood lots. But they need this extra incentive to provide them the ability, the cash income. Think of it as a new cash crop to sustain their livelihood.

So I strongly support the gentleman's idea. I hope we would reject the amendment offered by the gentleman from Colorado (Mr. HEFLEY). I know he feels strongly about rural development, but I would say to the gentleman we have a lot of rural areas in upstate New York. But this is true rural development for us.

Mr. KIND. Mr. Chairman, I rise in opposition to the Hefley amendment that eliminates the bill's funding for USDA's Agri-Tourism program.

In the last twenty years, my state of Wisconsin has lost over one half of its dairy farms—decreasing from 46,000 in 1980 to less than 21,000 today. At the same time, the average age of the Wisconsin dairy farm has increased to 58 years. The family dairy farm is struggling with many pressures; unstable commodity pricing, unpredictable trade policies, and the growing pressures of sprawl.

Adapting to change and taking advantage of emerging traveler interests in agriculture and rural places is a wonderful opportunity for Wisconsin's farms and rural communities. Wisconsin's natural scenery of rolling hills, bluffs, coulees, valleys, lakes, and rivers are tourist destinations for many outside visitors. In addition, it is often times important to families that they are able see cows, pigs, goats, and sheep in their natural settings instead of in picture books and on television. Many visitors have never been on a farm and seek bed and breakfasts that are in rural farming communities. Unfortunately, there currently is little effort to link our family farmers with tourists.

For these reason, programs such as USDA's Agri-Tourism provide important steps in linking tourists with farming communities. In addition to providing important recreational opportunities for tourists, agri-tourism can provide needed financial assistance to our farm families. It would be short-sighted for Congress to eliminate this important program.

I urge my opponents to oppose this misguided amendment.

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

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

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

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

The point of no quorum is considered withdrawn.

The Clerk will read.

The Clerk read as follows:

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,800,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,700,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $114,321,000 for section 515 rental housing; $5,000,000 for section 524 site loans; $16,780,000 for credit sales of acquired property, of

which up to $1,780,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

AMENDMENT OFFERED BY MRS. CLAYTON

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

The Clerk read as follows:

Amendment offered by Mrs. CLAYTON:

Page 40, line 23, before the period insert the following:

: *Provided*, That of the total amount made available for loans to section 502 borrowers, up to $5,400,000 shall be available for use under a demonstration program to be carried out by the Secretary of Agriculture in North Carolina to determine the timeliness, quality, suitability, efficiency, and cost of utilizing modular housing to re-house low- and very low-income elderly families who (1) have lost their housing because of a major disaster (as so declared by the President pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act), and (2)(A) do not have homeowner's insurance, or (B) can not repay a direct loan that is provided under section 502 of the Housing Act of 1949 with the maximum subsidy allowed for such loans: *Provided further*, That, of the amounts made available for such demonstration program, $5,000,000 shall be for grants and $400,000 shall be for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of loans, for such families to acquire modular housing.

Mrs. CLAYTON. Mr. Chairman, this amendment will not require any new spending, but it can provide new hope. More than 8 months ago, Hurricane Floyd struck eastern North Carolina and left a path of death and destruction that was unprecedented in the history of our State. Millions of our citizens were affected; 60,000 homes were left in disrepair; 11,000 homes were completely destroyed.

Since that time, thousands have been left in a state of virtual homelessness. Many have moved in with their relatives and friends; others have been placed in temporary housing.

Mr. Chairman, my colleagues may recall The Washington Post article which described the typical day of these families who have found themselves without a home. They may recall that there was a young girl living in a trailer park near Tarboro, North Carolina, who was forced to do her homework outside in the snow because a trailer housing six family members was too crowded and stuffy.

Many of those families are still in trailers, trailers that did not provide sufficient warmth in the winter, trailers that must be unbearable as we face drought-producing heat this summer.

Imagine, Mr. Chairman, having to do without those things that we take for granted: the ease of transportation, the pleasure of recreation, the convenience of communication. For many of the flood victims in North Carolina, those things are incidental to us, but they are a luxury to them. That is because they have no permanent place to live; no expectation of a permanent place to live in the future.

This amendment will not require any new spending, but it will provide new hope. It does not require any new spending because it makes use of the funds already available through the Department of Agriculture for housing. It provides new hope because, through a pilot demonstration program, it will provide the use of modular housing to rehouse low- and very low-income elderly families who have lost their homes because of a major disaster.

Mr. Chairman, what is modular housing? Modular housing is no different from site-built housing. Modular housing is highly engineered; however, it is built offsite and then moved on-site. In the end, a modular house looks no different than a site-built home. Modular housing can be constructed very quickly and affordably. Modular housing can be constructed in less than a month in some times. Site-built homes take at least 3 months.

The reasonable cost of a modular house is as low as $45,000. On the other hand, a reasonable cost for a comparable site-built house would be at least $100,000 or more. Modular housing is of equal and sometimes even better quality than site-built housing.

At the end of this demonstration project, we will be able to determine the timeliness, the quality, the suitability, the efficiency, and the cost of utilizing modular housing in disaster-affected areas.

In April, this House passed H.R. 1776 by a vote of 417 to 8. Title XI of that bill contains the Manufactured Housing Improvement Act. Under that act, every State is required to have a comprehensive installation program within 5 years.

Mr. Chairman, modular housing is the wave of the future. But for the flood victims in eastern North Carolina, it is a hope for the present. Eastern North Carolina is in crisis. The destruction has been enormous. The needs are great. The situation is urgent.

This amendment will not solve every problem for all in North Carolina as a result of the flooding, but it will help to normalize the housing situation for some of our elderly citizens. More importantly, it provides hope and it will indeed provide the housing that thousands of our citizens need. I urge the acceptance of this amendment.

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

Mr. Chairman, I thank the gentlewoman from North Carolina for her interest in rural housing and her continued strong support for rural development programs. And on behalf of the gentleman from New Mexico (Chairman SKEEN), our side will accept this amendment.

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

First of all, I would like to thank the gentleman from Iowa (Mr. LATHAM) and the majority, along with the gentleman from New Mexico (Mr. SKEEN), chairman of the subcommittee, for accepting this very worthy amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

I cannot think of another Member who comes up to me as much as the gentlewoman from North Carolina does to carry the plight of those from North Carolina who have been suffering from this hurricane, from floods, from low prices. We need more Members like the gentlewoman in this Congress.

Mr. Chairman, I want to say to the people of North Carolina who sent her here, they have really gotten their money's worth. This woman works every day, 24 hours a day for her constituents and for this country. And this particular initiative to try to provide modular housing to people who have been very damaged by disasters in North Carolina is but another example of the kind of work that she does here.

So my compliments to the gentlewoman for her leadership and her absolute devotion to her State and to her people. And I think that this amendment offers an innovative way to help people who have lost their homes through no fault of their own. And without question, it is the responsibility of the people of the United States to help our fellow brothers and sisters around this country who are trying to live under the weight of natural disasters over which they have had no control.

Mr. Chairman, I commend the gentlewoman for her real leadership coming to this committee, both sides of the aisle, and crafting a very worthy amendment like this. She obviously has the support of both sides of the aisle. I extend to her my congratulations.

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

Mr. Chairman, I rise in support of this amendment because, as my colleagues are probably aware, last fall Hurricane Floyd left a devastating path of destruction in my State of North Carolina. In the days and the months afterwards, thousands of families spent endless nights in temporary shelters.

The sad reality is that many of these families are still living in those same temporary shelters, and they have no reason to believe that they are ever going to get a permanent home. Unfortunately, the elderly are more likely to never leave these temporary homes which tend to be dirty, overcrowded and insufficient. These unbearable conditions harm seniors' well-being and health, and there is very little they can do to change their situation.

But, Mr. Chairman, this amendment could change all of that. It is aimed at helping those low-income elderly families in North Carolina who are facing this crisis; and it will allow, through this pilot program, the use of modular housing for these low-income seniors who lost their homes and their livelihoods during Hurricane Floyd.

The good news is the modular homes can be assembled quickly and they are extremely low cost, compared to building a regular site-built home. And further, the amendment requires no new

spending, but will go extremely far in helping these victims of this natural disaster.

This amendment is going to be a good first step toward the goal of helping all low-income seniors nationwide who are left homeless after any major natural disaster. I urge support of this amendment in order to help this urgent situation.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from North Carolina (Mrs. CLAYTON).

The amendment was agreed to.

Ms. HOOLEY of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to enter into a colloquy with the gentlewoman from Ohio (Ms. KAPTUR), my good friend and a friend of rural America who does a wonderful job.

The Rural Development section of this bill includes language concerning a region of importance not only to the State, but certainly to the county of Tillamook County. In 1996, floods wiped out the rail link from Tillamook County to the largest population center in Portland, which is 75 miles away.

Last year, Congress provided $5 million from Rural Development to reimburse the port for money that they already spent for the 1996 floods, as well as to make improvements to the rail right-of-way that also serves as Alaska's fiber optic corridor to the lower 48 States.

I am currently working with USDA to ensure that the entire $5 million is released to the port. Next year, a diverse route will be constructed from Nedonna Beach terminal along 20 miles of railroad right-of-way south of Tillamook, and then east along Highway 6 to Portland.

This section of rail bed was not included in the portion repaired following the 1996 floods and needs immediate upgrades to reduce the risk of service interruption for all users.

The Port of Tillamook Bay needs $3 million from Rural Development to upgrade the railroad infrastructure and protect the fiber optic telecommunication network. Now, not only does this corridor serve Alaska, but it also serves as a landing for MCI WorldCom's Southern Cross that crosses the Pacific from Australia. There will be two more cable landings next year. Within a short time, Tillamook's communication corridor has become a strategic location for the telecommunication world.

Mr. Chairman, we need to create a diverse route, a redundant loop, to make sure that we guarantee connectivity; and I ask for the committee's assistance in securing this badly needed funding from USDA.

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

Ms. HOOLEY of Oregon. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for bringing this important economic project to our attention. The committee in our report identified this project as one that should be given special consideration by the Department, and I am certainly willing and prepared to work with the gentlewoman to be certain the Department is supportive of this very worthy project.

□ 1745

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentlewoman for her leadership and her commitment to Tillamook County.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the committee for accepting the amendment pertaining to the American Heritage River Initiative. I want to add my support because it is very important initiative. It is an initiative that put decision making in the hands of local officials. It is an initiative that requires no new funding and no new mandate. This is the kind of partnership that we should encourage, not discourage.

The St. Johns River is an American Heritage River because of the grassroots efforts of Republican and Democratic mayors, city council people, and other people throughout the river community. From Jacksonville to Orlando, there is overwhelming support for this designation. This initiative is a great example of how government should work.

We should encourage our Federal agencies to work together and target the kinds of resources available to these river communities.

Florida's St. Johns River runs through the middle of Jacksonville and spans 325 miles of the third district. Republican Mayors John Delaney of Jacksonville and Glenda Hood of Orlando supported this designation and have formed advisory committees to set priorities for the river.

Later today I plan to submit a newspaper article to the RECORD that ran in the Daytona Beach News-Journal last week. In this article, the reporter talks about how the local officials in Volusia County want the politicians in Washington to stop interfering with their plans.

''This is a real grassroots, community-driven program that is working to bring awareness to the designated rivers,'' said Pat Northey, Volusia Council member and chair of the river task force for Orange, Seminole, and Volusia County.

She says that the river has already benefited from this designation by giving a small grant to mark the historical elements. This is just one of the many benefits. In Jacksonville, the community has come together behind a plan called the Preservation Project, which would help preserve the sensitive ecosystem in north Florida.

In a letter from Jacksonville Mayor John Delaney, he says ''This program has enabled cities and counties in the St. Johns River Basin to identify priority projects and align the projects with existing Federal funding sources. Because of this designation, local governments along the river have worked cooperatively toward the goal of restoring the river and improving their communities.''

Mayor Delaney said that, with restricted language, the City of Jacksonville may be limited from obtaining these funds on a competitive basis because Federal agencies would be reluctant to fund any project, regardless of the merit, that could be associated with the Heritage River designation.

He goes on to say that the effect of these riders would punish areas like north Florida for trying to improve the river and surrounding communities.

Mr. Chairman, this amendment was supported by all of the local mayors, city council members, and I am very happy that this committee uses common sense in supporting this amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $184,160,000 of which $7,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,481,000; section 538 multi-family housing guaranteed loans, $1,520,000; section 515 rental housing, $56,326,000; multi-family credit sales of acquired property, $874,000; and section 523 self-help housing land development loans, $279,000: *Provided*, That of the total amount appropriated in this paragraph, $11,180,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $375,879,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $655,900,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $28,000,000, to remain available until expended (7 U.S.C. 2209b) of which

$1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $39,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $27,000,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts. In addition, for grants to assist low-income migrant and seasonal farmworkers, as authorized by 42 U.S.C. 5177a, $3,000,000, to remain available until expended.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives: $120,270,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available for the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: *Provided further*, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,337,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, $3,911,000 shall not be obligated and $3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,500,000, of which $2,000,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program.

NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER REVOLVING FUND

For the National Sheep Industry Improvement Center Revolving Fund authorized under section 375 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 2008j), $5,000,000, to remain available until expended.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $50,000,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,200,000,000 and rural telecommunications, $120,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $25,500,000, and the cost of telecommunication loans, $7,770,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $31,046,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,590,000.

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

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $18,100,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas; in addition, for the cost of direct loans and grants, for a pilot program to finance broadband transmission and local dial-up Internet service $1,400,000, to remain available until expended: *Provided*, That the definition of ''rural area'' contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)) shall be applicable in carrying out this pilot program: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

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

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $554,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,535,039,000, to remain available through September 30, 2002, of which $4,407,460,000 is hereby appropriated and $5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of any funds made available under this heading by transfer from the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), up to $6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That up to $4,511,000 shall be available for independent verification of school food service claims.

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

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,067,000,000, to remain available through September 30, 2001: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate $10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall

be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: *Provided further,* That once the amount for fiscal year 2000 carryover funds has been determined by the Secretary, any funds in excess of $100,000,000 may be transferred and made available as follows: $6,000,000 to programs under the heading ''CHILD NUTRITION PROGRAMS'', $5,000,000 to programs under the heading ''COMMODITY ASSISTANCE PROGRAM'', and $10,000,000 to programs under the heading ''FOOD DONATIONS PROGRAM'': *Provided further,* That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further,* That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further,* That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,231,993,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided,* That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further,* That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further,* That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further,* That not more than $194,000,000 may be reserved by the Secretary, notwithstanding section 16(h)(1)(A)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)(vi)), for allocation to State agencies under section 16(h)(1) of such Act to carry out Employment and Training programs: *Provided further,* That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note) and the Emergency Food Assistance Act of 1983, $138,300,000, to remain available through September 30, 2002: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That notwithstanding section 5(a)(2) of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note), $20,781,000 of this amount shall be available for administrative expenses of the commodity supplemental food program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2002.

AMENDMENT NO. 21 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 No. 21 offered by Mr. STUPAK:

Page 53, line 9, insert ''(increased by $20,000,000)'' after the dollar amount.

Page 56, line 13, insert ''(reduced by $30,000,000)'' after the dollar amount.

Mr. STUPAK. Mr. Chairman, I am pleased to offer this important bipartisan amendment with the gentleman from New York (Mr. BOEHLERT). Our amendment adds $20 million to the USDA's nutrition programs for the elderly meal reimbursement programs; in other words, senior center meals and Meals on Wheels, and offsets this additional spending by reducing international commodity aid. I wish there were some other offset that we could look to, but this was the most logical offset.

Our amendment has the support of the Meals on Wheels Association of America, the National Association of Nutrition and Aging Services Programs, the TREA Senior Citizens League, the National Council of Senior Citizens, and the National Association of State Units on Aging.

I am sure that all the Members have met and spoken with seniors in their districts, and they have told my colleagues how much they depend on the senior meal assistance that they receive, be it Meals on Wheels or meals at the senior centers.

Senior meal providers receive funding for the meals through three avenues, private donations, Department of Health and Human Services, and USDA meal reimbursements.

Let me explain why the funding increase to the USDA reimbursements is so necessary. Unlike funding from HHS, which is channeled to the States and local providers based on certain formulas, our amendment here through the USDA reimbursements go directly to every senior meal provider for every meal that they prepare.

This amendment is the best way and it is the only way to ensure that there is direct and immediate aid to senior meal providers and the seniors they serve.

Every senior, every meal provider in every district in every city, in every town will get their money, whether they are up in Calumet in the Keewanaw Peninsula or in Traverse City or Alpena in the Lower Peninsula, which makes up my district.

Why do we need this money? Why does this amendment go above the President's request.

The funding for USDA reimbursements has remained fairly constant since 1992. But look at what has happened since 1992 as this chart demonstrates. The amounts, when translated into today's dollars, have steadily been dropping due to inflation. For example, in fiscal year 2000, we allocated $140 million. In fiscal year 1992, we allocated $151 million. But in real dollars, what has happened since 1992, it has gone down. We have lost $40 million from this program in real dollars. It used to be 62 cents they would get for every meal. It is now down to 54 cents. Funding has stayed constant, but the rate of inflation and everything else to prepare those meals have gone up. I do not know how they can do it, but they manage to get by right now at 54 cents per meal.

It is for this reason that the senior meals across the country are suffering, from 62 cents to 54 cents. Pennies per meal but, nationwide, it has effects of millions of millions of meals. If we pass the Stupak-Boehlert amendment, we will go from 54 cents up to 57 cents. We can stop this downhill spiral that we have been on.

Our amendment will allow reimbursements to finally increase. It may only be 3 cents, but it means a lot to our seniors. I offer this amendment because, like all of my colleagues, I go to senior centers, I talk to my seniors, I talk to my senior meal providers.

Bill Dubord and Sally Kidd of the Community Action Agency in Excanaba, Michigan, they told me their agency is having a tougher and tougher time just trying to keep their head above water to provide their seniors meals. I am sure many of my colleagues have heard the same stories and hardships when they go home.

The bottom line is this, our senior meal providers need more money to provide senior meals. An increase in USDA reimbursements will give them more money, from 54 cents to 57 cents. They will be able to provide more meals. More meals mean more help for the seniors. It is really that simple.

Now, again, to pay for this amendment, we have taken less than 3 percent from an $800 million program, the international commodity aid. I fully recognize the legitimate need for these funds by people of other nations, but before we provide to needy persons in other countries, let us ensure that our own seniors are provided for and protected.

When my colleagues are casting their vote, I hope all the Members will think of the seniors they have met back home, the senior meal providers they have spoken with. Cast a vote for them and support the Stupak-Boehlert amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Michigan (Mr. STUPAK).

I am sure that the amendment was offered with good intentions, but, Mr. Chairman, if this amendment passes, not a single additional meal would be served to anyone. Allow me to explain why.

The USDA role in this program is to supplement the Department of Health and Human Services with cash and commodities on a per-meal basis for each meal served to an elderly person.

The amount reimbursed at the current year level is about 54 cents per meal for 259 million meals. There was an increase of $10 million in the budget request for an additional 20 million meals to be served.

This bill contains language that allows the Department of Agriculture to transfer $10 million out of excess WIC carryover funds, that is money that the WIC program cannot spend, and to allow the reimbursement of 54 cents to be maintained in fiscal year 2001. If we add $20 million to this account, as this amendment seeks to do, all we will be doing is increasing the reimbursement per meal from 54 cents to about 57 cents. But HHS will still serve the same number of meals. Furthermore, the corresponding budget request from HHS did not request an increase in their budget.

Now, the gentleman's amendment seeks to cut $30 million out of the P.L. 480, Title II program. Some may take this amendment to mean that the choice we are being asked to make is between a domestic feeding program versus an international feeding program. Just for the information of my colleagues, the commodities shipped abroad through the P.L. 480 program are grown all across America, such as wheat from Kansas, Nebraska, Montana, Washington, Iowa, and Texas; rice from Missouri, Arkansas, Mississippi and California; dried beans and peas and lentils from Michigan, Montana, and Idaho; and other commodities like feed grains, vegetable oil and corn and soy meal. This amendment would cut funds to purchase these commodities and would hurt farmers who are already financially strapped.

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In addition, this cut would reduce the amount of funds to private voluntary organizations that help to oversee this program to ensure that food gets to where it is needed most, and this amendment would also cut funds to shipping companies that transport these commodities.

Mr. Chairman, I understand what the gentleman's intent is, but this amendment does not do what the gentleman intends, and I oppose the amendment.

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

Mr. Chairman, I rise in very reluctant opposition to this amendment, mainly because of the offset and not because of the worthiness of the gentleman's objective here in trying to lessen the burden on seniors who participate in our elderly feeding programs.

I have to say to the gentleman from Michigan (Mr. STUPAK) that I have the highest regard for him and for his trying to be a voice here so ably for all the seniors of our country and their nutrition needs. But for the record I do want to point out that our subcommittee, under great strain, was able to meet the administration's request for all feeding programs, including the elderly feeding program. And, in fact, because we were able to transfer funds, $10 million from other accounts, we were able to increase the amount of funds available in this account from $141 million that is being spent this year to $151 million next year. So that is an increase, and that would help tick up the amount of funds available across our country.

Since 1993, the program that the gentleman wants to take the money from, the PL–480 program, has been cut by nearly half, and for this coming fiscal year, even in the bill we are presenting today, we are $37 million below the administration's request in an account that has been reduced by 42 percent over the decade of the 1990s. So I would beg of the gentleman to find another offset.

I think I sort of feel he is doing half right and half wrong here. Because with the crisis we have in rural America, one of the ways that we are able to help is to use the PL–480 program, as underfunded as it is, to move these commodities around the world. We are certainly moving commodities around our country to our feeding kitchens, to our pantries around the Nation, and through our humanitarian programs; but to take the money from this account really is almost like taking the money from programs that feed starving people and putting it into programs for those who are participating in nutrition programs here in our country that will be funded at the administration's request.

So I am very torn by the gentleman's amendment. I would only encourage him to, as we move toward conference, to work with us on the subcommittee to see if we cannot find other offsets for the gentleman's very worthy request. I would also mention that his amendment might result in increasing the reimbursement rates for senior meals from 54 cents to 57 cents. While local program operators might have legitimate expenses, I guess one could question the real value of this amendment in terms of actual dollars that would be available at the various feeding sites.

So, please, recognize our objection to this is stated very reluctantly only because of the account that it is being taken from, which is not only underfunded for this next year, and does not meet the administration request, but which has been cut by 42 percent since 1993. I would just encourage the author to seriously look at other offsets.

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

Mr. Chairman, I have the greatest respect for the gentleman from Michigan, and like the gentleman was talking about, I, too, visit a lot of senior citizen centers. And also one complicating factor is that my mother attends these on a regular basis, so it becomes quite personal. But I would really like to associate myself with the words of the gentlewoman from Ohio, and her point is exactly right.

In the bill this year we do have the flexibility to increase funding for this program by $10 million, which fully funds the President's request for this program. And I think everyone in the House is in full agreement that we need to fund the seniors' feeding programs to the full amount. I think we have done that in the bill. And like the gentlewoman from Ohio, my big problem is that we are taking funds out of an account that is already reduced by $37 million this year. So to cut another $30 million out of this would be extremely harmful, I believe.

When we look at PL–480 and the benefits it gives around the world to people who are starving to death, I think it is very, very important. And I think if we talked to most senior citizens, if it meant the difference between 2 or 3 cents a meal, they would also say that people who are dying of starvation probably need as much help as possible, and they would be willing to possibly even forfeit the 2 or 3 cents a meal to make sure that does not happen.

Also, I think it is very important that the Members are aware of the people who stand in opposition to this amendment, like The Coalition for Food Aid, and groups such as Catholic Relief Services, Save the Children, World Vision, and CARE. All very much oppose this amendment because of the devastating effect it would have as far as their feeding programs around the world.

So, Mr. Chairman, while I have great empathy and concern for the seniors' feeding programs, I think with the facts as they are, that we are fully funding the feeding program at the request of the administration for this program, and the detrimental effect this amendment will have as far as our PL–480 programs, food for peace around the world, I must strongly oppose this amendment.

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

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to increase funding for the USDA's nutrition program for the elderly by $20 million. This vital program helps provide over 3 million senior citizens with nutritionally-sound meals in their homes through the Meals-on-Wheels program, or the senior centers, churches, and fire halls, through the congregate meals program. These programs are facing financial hardships, and a smaller percentage of needy seniors are being fed.

Quite frankly, the President's request is not adequate. This program has been flat funded since 1997. With the number of seniors growing, the demand for Meals-on-Wheels funding has continued to increase. The National Association of Nutrition and Aging Service programs recently testified before the subcommittee that 34 percent of their member programs indicate they have a waiting list for home-delivered meals. It is only sensible that if

they have more money, they are going to be able to serve more seniors.

The increase provided by this amendment is long overdue, and the need for this program is quite real. Participants in this program are disproportionately poor. Thirty-three percent of congregate meal participants and 50 percent of home-delivered meal participants have incomes below the poverty level. A majority of Meals-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 these 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 and sick and home-bound seniors who are in greatest need of assistance.

This amendment offsets the urgently needed seniors meal program by reducing funding for a foreign assistance program. I do not doubt the need for these funds by people of other countries, but I want to ensure that our seniors are given the highest priority. The fact of the matter is that the foreign assistance program would still receive $770 million after our amendment passes.

But I have a deal. I agree with the distinguished gentlewoman from Ohio, who was rather eloquent in stating that she likes this program, the congregate meals program, the Meals-on-Wheels program, but she also likes the foreign assistance program. We have great confidence in the good judgment of our distinguished chairman and our ranking minority member. There is flexibility as they go into conference. So I would suggest that we pass this amendment, give them the flexibility, and they know better than we do, so maybe they can find some other offset.

The Stupak-Boehlert amendment is endorsed by the National Council of Senior Citizens, the Meals-on-Wheels Association of America, the Senior Citizens League, the National Association of Nutrition and Aging Services Programs, and the National Association of State Units on Aging. This amendment represents a small investment in a program that helps to fight the malnutrition and isolation far too many of our seniors face.

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

Mr. BOEHLERT. I yield to the gentleman from Michigan.

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

With regard to some of the concerns about our amendment, and I have the utmost respect for the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR), but this program here, after being flat for so many years and actually losing money in real dollar amounts, we cannot just turn our backs and continue to pretend it is not happening.

To put the issue in proper perspective, the Meals-on-Wheels Association has endorsed our legislation, the Stupak-Boehlert amendment, and they have said, ''Because America's elderly population continues to be the fastest growing segment of the population, demands on nutrition programs for the elderly are increasing.'' So what are we doing? Our funding is staying flat and actually losing in real dollar amounts every year.

The most comprehensive national studies to be conducted in recent years found that 41 percent of home-delivered meals had waiting lists. The relatively small investment, and as they said, what would three pennies mean, three pennies in meal programs that our amendment would provide would pay substantial dividends in helping to target malnutrition and isolation in the elderly, improving their nutritional and health status, and enabling many seniors to be able to stay in their home because they got a good meal.

While I appreciate the increase of $10 million that the administration has put in, that only puts us even with last year. Throw in inflation, and we are behind the 8-ball again. Let us pass the Boehlert-Stupak amendment.

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

Mr. Chairman, I want to thank the gentleman from Michigan and the gentleman from New York for this amendment, and I rise in support of the Meals-on-Wheels amendment to counter skyrocketing gas prices.

The gentleman from Michigan (Mr. STUPAK) is right, when we look at this chart, at how our senior citizens really are beginning to suffer from the gradual decrease in constant dollars that are spent for this important program. Currently, Meals-on-Wheels reimbursements have been steadily dwindling to the current rate of about 50 cents per meal. Consequently, Meals-on-Wheels is suffering from a severe loss of food purchasing power and funds to cover mileage reimbursements.

Our Nation's elderly are lifetime taxpayers, and it is our duty to provide our elderly citizens the basic human services which they are entitled to. However, high gasoline prices are straining the budgets of the Meals-on-Wheels program and destroying the volunteer delivery networks the program depends on.

People in the Midwest are very familiar with this, because last week we had gas prices over $2 a gallon and now it is over $1.80 a gallon. We are now in a condition where many people who would deliver the Meals-on-Wheels are finding that they cannot afford to do it. Now, think about what that means. We have this great program, and yet people are finding they cannot participate in it.

In light of the recent increases in gas prices, volunteers cannot afford to provide their services and meals cannot be delivered. The Meals-on-Wheels program is in danger of losing both its volunteer and paid labor base.

Now, this is not a hypothetical situation. Again, back to the Cleveland area and a city called Westlake, which is in my district. I received a letter from the director for the Department of Senior and Community Services for the City of Westlake. Here is what she has told me in part.

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''As you know, many of the volunteers for Meals on Wheels are themselves older adults on fixed incomes. One such couple travels almost 100 miles in a rural area to deliver meals. They are considering resigning because they cannot afford to volunteer.''

Think of what that means. People who want to help their fellow human beings who get a good feeling out of delivering meals to the elderly and suddenly, because of these high costs of fuel, gasoline, they are suddenly in danger of not being able to afford to do it.

Now, this amendment offered by the gentleman from Michigan (Mr. STUPAK) would offset, under Title III of the Older Americans Act, monetary donations made to the program to cover increasingly high fuel costs by providing more food purchasing power and mileage reimbursement funds.

In increasing the program's reimbursements, the amendment will alleviate the enormous burden faced by many volunteers who are increasingly unavailable to aid in the delivery of meals to millions of senior citizens through the high fuel cost.

If funding through the USDA adequately covers the Meals on Wheels program, then their food purchasing power will be strengthened and their labor base will be secured.

Mr. Chairman, if the gentleman from Michigan (Mr. STUPAK) would like to comment in the time that remains, I would be happy to yield to him because I know the work that he is doing on this is so important. I know the elderly in my district are very concerned about what is going to happen to the Meals on Wheels program.

Mr. Chairman, I yield to my good friend, the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman from Ohio for yielding.

Mr. Chairman, again, this is a good discussion we are having because we have got valuable programs here that we are trying to save. But as the chart clearly shows, in real dollars we keep going backwards; and while we may have put $10 million in, that just made us even with last year.

Throw in the rate of inflation. Throw in the point that my colleague made about the increase of gas for Meals on Wheels just to deliver and we are going further and further behind.

With the largest increasing part of our population being senior citizens, they cannot stay even, they cannot regress. We have to move forward with this funding.

Again, we are taking 3 percent from a $800 million program. There is still $770 million left in that program, and we are at $140 million for senior meals. We are saying just give us a little extra.

Now, they say bring up all their offsets. The gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. BOEHLERT), myself, the authors of this amendment, we will sit on the Committee on Appropriations. If they want to turn over the power to us and make the offsets, we will be happy to. We would love to.

But, in all seriousness, we tried to work on this one. And amongst friends there has to be disagreements. We feel we have to take care of our senior citizens here at home first and make sure that their nutrition needs are met so there is not the malnutrition we see with senior citizens, especially in rural areas, the inner city areas, and the isolation of seniors, bring them to the senior centers and bring that meal in to them.

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

Mr. Chairman, I rise in strong support of the Stupak-Boehlert amendment to H.R. 4461, because I believe the Congregate and Meals on Wheels programs are in need of additional funds.

There are few communities within the country where a senior nutrition program does not exist, and the demands on nutrition programs for the elderly is increasing.

Few programs can boast the importance to the elderly and overwhelming success as the senior nutrition programs.

I became deeply involved in this issue last November, when I became aware that the Agency on Aging in my district began cutting back the Congregate Meals program after having exhausted their reserve funds.

In the face of a potential crisis, the State of Connecticut and local governments agreed to make up the financial shortfall for this year. The additional State and local funds are allowing the Agency to temporarily overcome the financial shortfall and enabling providers to serve the same number of meals this year as were served in 1999.

While this financial contribution is significant and speaks volumes about the importance of the Congregate Meal program to seniors in Connecticut, it does nothing to prevent similar funding shortfall from occurring next year and the year after that.

This body has an obligation to ensure that senior nutrition programs are adequately funded. I hope we can all recognize that Congregate and home delivered meals programs need assistance, and that this House has the good sense to act favorably on this amendment.

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

Mr. Chairman, I rise in strong support of the Stupak-Boehlert bill to add $20 million to the Meals on Wheels Program.

This amendment adds much needed funds to a program that truly plays such a vital role in communities across this country. Meals on Wheels improves the physical and the mental health of seniors in our communities. It provides them with a balanced, nutritious, and appealing diet.

Last year the program brought over 1.9 million meals to almost 10,000 seniors and the disabled in Connecticut alone.

The West Haven center in my district distributed 1,000 meals a day to homebound citizens of 15 towns throughout south central Connecticut, 200,000 per year.

I might add that Mayor Borer, the mayor of West Haven, Connecticut, and myself last year went on the Meals on Wheels truck, went place by place and helped to deliver the meals. And it was amazing. This program is a lifeline for people. It is one of the most remarkable experiences that I have had in being a Member of this House.

Meals on Wheels helps those elderly who find themselves homebound, unable to go out and shop for their own food. It allows seniors who would have been forced into a nursing home to stay in their home and maintain their dignity and their independence. It helps to lower health care costs while allowing seniors to retain that independence.

It also fills an important need in the community for the preservation of ties with our elders. By providing seniors with essential food every day of the week, sometimes, I might add, the only hot meal an elderly citizen receives, it builds important links and relationships between the men and women who deliver the meals and the seniors who take advantage of the program. In some cases, these people are the only visitors that seniors get all day.

Meals on Wheels is truly an example of neighbors helping neighbors.

I call on my colleagues, support the Stupak-Boehlert amendment, support a program that provides an essential safety net to millions of seniors and strengthens the community ties between generations.

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

The CHAIRMAN. Is there objection to the gentlewoman speaking for an additional 5 minutes?

There was no objection.

Ms. KAPTUR. Mr. Chairman, I probably will not take the full 5 minutes. But I did want to commend our colleagues, the gentleman from Michigan (Mr. STUPAK) and the gentleman from New York (Mr. BOEHLERT) for bringing that chart to the floor that shows the discretionary cuts that have affected all programs, including elderly feeding programs, across this country.

As we look at the revenues that the Government of the United States is receiving now and the work of all of our committees, without question, every single American sacrificed in order to put the accounts of this Nation in order. These programs got hurt just as much as many other programs in our country. So these decisions to move us toward a surplus position have not been easy decisions.

We are now at the point where we can more openly look at ways to expand worthy programs. And this certainly is one that has gotten the attention of the subcommittee. And believe me, I give my word to the gentleman from Michigan (Mr. STUPAK) and to the gentleman from New York (Mr. BOEHLERT), who have worked so diligently to bring this to the attention of the membership, that, but for the offset, I certainly would be one Member who would be working 150 percent of my energy in trying to help them find a way to expand these worthy programs for feeding our senior citizens.

I thank the gentlemen for their respective leadership on this.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $116,392,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations.

AMENDMENT NO. 62 OFFERED BY MR. REYES

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 62 offered by Mr. REYES:

Page 53, beginning line 25, strike ": *Provided further*, That none of the funds appropriated or otherwise made available by this Act or any other Act shall be available to carry out a Colonias initiative without the prior approval of the Committee on Appropriations".

Mr. REYES. Mr. Chairman, I offer an amendment to bring much needed assistance to some of the poorest communities in our Nation. My amendment will strike the provision in the bill that prohibits funding in the bill or any other bill from being available to carry out a colonias initiative without prior approval of the Committee on Appropriations.

"Colonia" is a Spanish term for "community." Along our Southwest

border, it is the name for U.S. communities that lack basic water and sewer systems, power, paved roads, safe and sanitary housing, health care, and adequate educational, recreational, and employment opportunities.

There are more than 1,500 of these third-world-like communities in our Nation, with more than half a million people in California, Texas, New Mexico, and Arizona. These communities sprung up because of a lack of affordable housing, unscrupulous land development, and neglect of our border region.

Because of a lack of basic service, poverty is extreme in our colonias. Fifty percent of the residents are below the poverty level, with average family income of about $12,675. Moreover, 40 percent of colonia residents have less than a ninth grade education and unemployment exceeds 40 percent.

The health of these citizens is terrible due to contaminated wells, poorly constructed septic tanks, and the difficulty in buying water from private vendors.

This situation is a tragedy that has never been properly addressed. Eight-five percent of colonia residents, Mr. Chairman, are United States citizens, and 40 percent of those residing in our colonias are children. Devastating diseases are prevalent in the colonias, with hepatitis and tuberculosis at rates of between 30 and 50 percent.

Colonia residents are part of our Nation, and we have a moral obligation to give them the basic essentials we expect for all of America's children.

The need to allow USDA to implement programs and initiatives to help address the severe problems of colonia residents is very critical.

One such program is the Partnership for Change-Colonias Initiative, which was a pilot program which began in Texas bringing together Federal, State and local governmental entities and nonprofit groups to create a unified colonia strategy.

This strategy called ''Partnership for Change'' addresses the multitude of colonias issues including housing, health, nutrition, and employment issues. The ''Partnership for Change'' uses innovative approaches to ensure that food and nutrition services reach colonia residents. Because colonias are remotely located without proper roads, colonia residents are simply unable to retain these kinds of services.

In response, the ''Partnership for Change'' built an additional seven WIC clinics directly in the colonias serving an additional 5,200 residents. It has also purchased vans to transport clients to assistance centers and coordinated traveling food pantries.

My amendment will allow strategies such as this to go forward without the continuous need to obtain committee approval.

If the committee has problems with the way programs like this are administered, the proper approach is to have the committee discuss the various aspects with the USDA rather than continually require this prohibitive requirement before colonia initiatives can go forward.

Every American family, regardless of where they live, should have the basic essentials of water, roads, housing, and a health environment. Otherwise, we allow a cycle of poverty and disease to continue despite having the resources to make an enormous difference.

While the rest of our Nation is reaping the benefits of a booming economy and budget surpluses, colonia residents are struggling barely to survive. This is unacceptable, and we can do much better as Americans.

I, therefore, ask all Members to support my amendment and to show their commitment to our fellow Americans who are having to overcome unbelievable obstacles and to give the USDA flexibility to use innovative approaches to provide additional outreach and coordinated efforts to colonia residents.

I ask all Members to vote yes on my amendment.

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

Mr. Chairman, I accept the gentleman's amendment. I have always enjoyed working with the gentleman from Texas (Mr. REYES), my compadre, and will continue to do so on this important issue.

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

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

Mr. REYES. Mr. Chairman, I just want to say that I appreciate the hard work. We have always worked together, and I appreciate the opportunity to work through this very critical issue. I thank the gentleman, as well as the rest of us who understand the necessities that Colonias have, and I really appreciate the gentleman working with us on this.

Mr. SKEEN. We have done a whole lot of hard work on it, particularly under the leadership of the gentleman from Texas (Mr. REYES), and I am glad to work with him.

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

Mr. Chairman, I am not going to take 5 minutes. I just want to thank the gentleman from Texas (Mr. REYES) on his efforts and all the congressmen, the representatives from California, New Mexico, Arizona, and Texas. I want to just emphasize the importance of the amendment that the gentleman from Texas (Mr. REYES) had, and I want to put it in perspective in terms of an analogy.

The particular language that it would prohibit the Colonias initiatives unless the appropriations funded it, I want the gentlemen to think about the way it was, and I am real pleased that it has been eliminated because if that same kind of language was there, say, that was in the Department of Commerce, and a chamber of commerce or a particular corporation was prohibited, it would be said that it was discriminatory. If that same kind of language was in the Committee on Veterans' Affairs, and it would be said that funding would be prohibited from the veterans to go to specific veterans, it would be said that that was discriminatory.

If that same kind of language was in the Department of Transportation and it said that particular resources would not be able to be spent in a specific community, it would said that that was discriminatory.

So I want to thank the gentleman for agreeing and being able to remove that language from there because there is no doubt that the Colonias need a lot of help, and I know everyone on the border recognizes the importance of providing resources and access just like anyone would have those opportunities.

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

Mr. Chairman, I wanted to thank the chairman of the subcommittee, the gentleman from New Mexico (Mr. SKEEN), for his sympathy to this proposal in support of the Colonias initiative. I wanted to also thank very deeply the members of the Hispanic Caucus, and Shirley Watkins at Food and Nutrition Service at the U.S. Department of Agriculture for really helping us to begin to carve out a new initiative that would reach some of the most forgotten people in America.

I want to commend the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. RODRIGUEZ) for their strong leadership on this proposal and to say that we look forward to working with them as we move toward conference to really make sure that this Colonias initiative is not forgotten.

Some of the aspects of this proposal involve such initiatives as piloting breakfast and after-school snack programs right on the bus, as children are being driven to and from school because it is so difficult sometimes to reach many of the children who live in these areas, and also taking a look at how we could use traveling food pantries to reach some of the more isolated individuals of all ages who live in the Colonias.

The proposals also take a look at organizing farmers markets, which is a real strong interest of my own, to make sure that good, fresh produce and farm-grown products from the State of Texas or New Mexico or wherever the Colonias are located are organized near where the people live; and to make sure that locally grown produce, some of it perhaps raised by local farmers, would be able to be used in the school programs in those areas responding to some of the ethnic preferences for food that may differ in different parts of the

country, depending on people's preferences; and working with USDA to look at an interactive Web site to link various partners and Colonias advocates and others to share success stories and communicate accomplishments of the existing projects in Texas.

So there are so many aspects to this, and we are at the very beginning of it; but I think it is such a wonderful proposal and one that we are going to take step by step and really try to reach among some of the lowest-income people in America. I never like to say poorest because there is a richness of heritage there and a richness of hope in every community in America, but if we can help people have better nutrition for their children, where their children can learn and they can have a better way of life, food is one of the most basic needs, and certainly contribute to better health.

This is such an exceptional opportunity to reach many of these families. The proposals for refrigerated trucks, for example, even finding trucks that have been used perhaps in business and are not brand new but even used trucks, almost like we put book mobiles in some of the underserved rural areas of America before, to do this in the Colonias is just so practical and so achievable.

We want to thank Shirley Watkins from the Department of Agriculture for working with our Hispanic Caucus, with the Congressmen and women who have supported this here.

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

Mr. Chairman, I am pleased to be here joining my good friend in support of the second amendment of the gentleman from Texas (Mr. REYES) on Colonias, and delighted to see that our good friend, the gentleman from New Mexico (Mr. SKEEN), has been so supportive of the work that we are all trying to do to improve life in Las Colonias.

Mr. Chairman, I rise today to bring awareness to a very important issue to my district in south Texas and all along the United States-Mexico border. The continuing plight of Colonias is what I wish to speak on. As my good friend, the gentleman from Texas (Mr. REYES), noted, Colonias are substandard housing developments in America, with many homes which have no water, sewer or utility hook-ups. United States citizens are forced to buy property without these essential services because of chronic housing shortages in high-poverty areas.

For example, in the fifteenth district of Texas, my own district, we have the third fastest growing metropolitan statistical area in the Nation. We also have the third highest rate of poverty.

This unique situation creates a hardship on the children and families that live in Colonias.

A group in Texas called the Las Colonias Project has worked to bring national awareness to this vital issue but more, much, much more must be done.

If we will look at this chart, we will see the numbers that are staggering. There are more than 1,500 Colonias along the United States border with Mexico with more than 400,000 residents. All these facts is the type of national awareness that we are trying to bring to the House floor today and in a bipartisan way be able to bring resources to be able to correct the deficiencies that exist in these Colonias.

While I cannot support getting money for this program at the expense of the USDA Wildlife Services program, an absolutely worthwhile program, I do urge Members to support funding for the serious problem of Colonias.

I know we can find both a way and the money to do this.

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

Mr. Chairman, I just want to compliment the gentleman from Texas (Mr. REYES) for bringing this issue not only to the floor today but before, when he was able to bring some young children from Colonias to testify before Members of Congress. I would like to also thank my good friend, the gentleman from New Mexico (Mr. SKEEN), for doing a great job, him and his staff; the gentlewoman from Ohio (Ms. KAPTUR), from our class of 1983; and the staff, thank them for being able to understand the seriousness of the problem that we have.

I do not want to continue to belabor the issue, but it is a very, very serious issue along the border.

These children have tremendous potential. With all the obstacles and pitfalls that they face on a daily basis, some of them make the national honor roll. They make the Boy Scout troops, with all these obstacles.

So we do have tremendous potential if we can help them by providing all these services so that they will never lose sight of the fact that they can become productive citizens. Again, I would like to thank my colleagues, the gentleman from New Mexico (Mr. SKEEN), members of his staff, my good friend, the gentlewoman from Ohio (Ms. KAPTUR), for all they have done in bringing this issue to the floor.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $150,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $109,186,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost as defined in section 502 of the Congressional Budget Act of 1974, of agreements under the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit arrangements under said Acts, $114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 83–480 are utilized, $1,850,000, of which not to exceed $1,035,000 may be transferred to and merged with ''Salaries and Expenses'', Foreign Agricultural Service, and of which not to exceed $815,000 may be transferred to and merged with ''Salaries and Expenses'', Farm Service Agency.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, $20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: *Provided*, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts.

PUBLIC LAW 480 GRANTS—TITLES II AND III

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended, $800,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act, of which up to 15 percent may be used for commodities supplied in connection with dispositions abroad under title III of said Act.

AMENDMENT OFFERED BY MS. KAPTUR

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

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 56, line 17, insert before the period the following: '', and of which $1,850,000 may be used for administrative expenses of the United States Agency for International Development, including expenses incurred to employ personal services contractors, to carry out title II of such Act (and this amount is in addition to amounts otherwise available for such purposes)''.

Ms. KAPTUR. Mr. Chairman, I rise to offer this amendment which has to do with the way in which our Food for Peace commodities are delivered in other countries. Essentially, what this does is it allows the U.S. Agency for

International Development, which is a part of the Department of State, to hire contractors in-country for this work on PL–480, title II commodities, just as the U.S. Department of Agriculture does.

During hearings on these important humanitarian programs, it became very clear to us on the committee that the U.S. Agency for International Development does not have the same ability to hire contractors in-country to work on the Food for Peace program that USDA has.

I know this sounds like kind of a technical bureaucratic problem but, in fact, it is; and we worked with AID and the chairman to identify the best way to correct this problem.

I want to thank the chairman deeply for his support. We want to make sure that when wheat or soy meal or any product is delivered to a very needy country that the private voluntary organizations that are there and AID contractors are able to find the most efficient way to get food into the villages, to the people, maybe refugees, living very far from the point where the food actually comes to port.

AID is having particular problems with this, we think simply because the legislation was written in a way that AID and USDA are under different committees here in the House.

Truly, with many of the private voluntary organizations doing this work in-country, which is one of the most risky jobs in the world, because they go into areas sometimes that are war torn, deep in-country. It is not easy work. We have had plane crashes around the world where many of these volunteers are going. All we are trying to do is to find a more efficient way to help them do the job that all of us want to do and that is to bring food to hungry people.

□ 1845

No bureaucratic snafu should prevent that kind of person-to-person assistance from occurring. We still want to find a way to allow greater authority for the Department of Agriculture, to use administrative funds in countries to provide and monitor food assistance in needy areas of the world. Essentially, this would provide additional contracting latitude to the U.S. Agency for International Development, so it parallels what USDA is able to do in moving these commodities to people that truly need them.

Mr. Chairman, I want to thank the gentleman from New Mexico (Mr. SKEEN) very, very much for his cooperation and participation in this.

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

Mr. Chairman, this amendment will help provide more effective and more efficient administration of our food aid programs overseas. I thank the gentlewoman for taking this initiative and recommend to the House that it be accepted.

Ms. KAPTUR. Mr. Chairman, if the gentleman from New Mexico (Mr. SKEEN) will yield, I thank him truly on behalf of all the people that this will help.

Mr. SKEEN. Mr. Chairman, it is a pleasure doing business with the gentlewoman from Ohio.

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

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service'' and $589,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,267,178,000, of which not to exceed $149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided,* That no more than $104,954,000 shall be for payments to the General Services Administration for rent and related costs: *Provided further,* That of the funds appropriated for ''Food and Drug Administration Salaries and Expenses'' under Public Law 106–78, $27,000,000 is hereby rescinded upon enactment of this Act.

AMENDMENT NO. 42 OFFERED BY MR. KUCINICH

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

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 42 offered by Mr. KUCINICH:

Page 58, line 4, insert after the colon the following: ''*Provided further,* That $500,000 is available for the purpose of drafting guidance for industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed, and reporting to the Congress on the status of the guidance by September 1, 2001; for the purpose of making it a high agency priority to develop a predictive testing methodology for potential food allergens in genetically engineered foods; and for the purpose of reporting to the Congress by April 30, 2001, on research being conducted by the Food and Drug Administration and other Federal agencies concerning both the basic science of food allergy and testing methodology for food allergens, including a prioritized description of research needed to develop a predictive testing methodology for the allergenicity of proteins added to foods via genetic engineering and what steps the Food and Drug Administration is taking or plans to take to address these needs:''.

Mr. KUCINICH. Mr. Chairman, food allergies are a serious health concern, 2.5 to 5 million Americans have food allergies. Common food allergies include milk, eggs, fish, seafood, tree nuts, wheat, peanuts, soybeans.

The health impacts of a food allergy range from itching to potentially fatal anaphylactic shock. We all know people who have food allergies. People learn about their food allergies by way of the trial and error method. If they eat a food a few times and react to it, each time they know they are allergic to it.

Now, with respect to genetically-engineered foods and known allergens, things get much trickier with foods that have been genetically engineered.

Scientists at the University of Nebraska inserted a Brazilian nut gene into a soybean. The study showed that people allergic to Brazil nuts, which is a common allergy, are also allergic to soybeans that have been modified by the Brazilian nut gene.

The scientists concluded that allergens from one food can pass to another and harm anyone with that allergy who unsuspectingly eats genetically-engineered foods.

Genetically-engineered foods have this problem with unknown allergens. The problem is very complicated. Most biotech crops on the market today were inserted with genes from things we have never digested before. Now, here is a picture of bacteria.

Most crops engineered today are engineered with genes from bacteria. Are we allergic to this? Scientists do not know. Are we allergic to these new foods? The huge genetic pool of possibilities to engineer in the world have not been tested for allergies.

As a matter of fact, it may surprise my colleagues to know that over a 100 million acres of crops last year in the United States were genetically engineered.

There are huge challenges with allergy testing. Allergy testing for unknown allergens is difficult if not impossible. Here is a report from the National Academy of Sciences.

The National Academy of Sciences states in this report, allergenicity is difficult to test. They go on to say that tests for possible allergenicity either are indirect, do not involve adverse effects, or are otherwise problematic for testing of novel proteins that have not previously been components of the food supply.

Researchers from the Clinical Immunology and Allergy Section of Tulane University Medical Center state, and I quote, ''The most difficult issue regarding transgenic food allergenicity is the effect of transfer of proteins of unknown allergenicity.''

In other words, if we are allergic to Brazil nuts, the Brazil nuts gene is in soybeans, we respond to the soybean; and we do not even know that it has a Brazil gene in it. The challenge is to determine whether these proteins are allergenic as there is no generally accepted, established, definitive procedure to define or predict a protein's allergenicity.

We all know that old saying, what you do not know cannot hurt you. We have all heard that. What we do not know cannot hurt you. But in this case, what you do not know can, what you do not know can hurt you.

The FDA is unfortunately failing to protect Americans. Unfortunately, the Food and Drug Administration admittedly having taken a pro-biotech position have completely dropped the ball on the serious issue of unknown and untestable allergens.

In my hand, this is a 700-page transcript of an FDA conference on this very topic from 1994. The document clearly acknowledges that unknown allergens are difficult to test for. My amendment instructs the FDA to continue the scientific research on this topic and draft guidance from the industry on how to assess genetically engineered food products for allergenicity until a predictive testing methodology is developed and report to Congress on the status of this issue.

The CHAIRMAN. Does the gentleman from New Mexico reserve his point of order?

Mr. SKEEN. Yes, I do, Mr. Chairman.

Mr. SMITH of Michigan. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Ohio (Mr. KUCINICH).

Mr. Chairman, I would just like to call to the body's attention and to the attention of the gentleman from Ohio (Mr. KUCINICH) that the Brazil nut gene within that soybean and its potential danger was discovered through premarket testing meeting the requirements of FDA and USDA. The product never got to market.

I rise in strong opposition to the amendment, because the mandate of food labeling which is part of the sponsor's goal, would send dangerous signals. Let me review a little bit of what we did in our Subcommittee on Basic Research.

On April 13, I issued a chairman's report on plant genomics and agricultural biotechnology. This report was a culmination of three hearings that we held in Washington and meetings throughout the United States with scientists.

The Subcommittee on Basic Research had some of the Nation's leading scientists testify, one of the issues that we dealt with in some detail in the report was the mandatory labeling provision. What we found is that there is no scientific justification for labeling food based on the method by which they are produced. Labeling of agricultural biotechnology products would, as suggested by the industry and by some of the scientists, confuse, not inform, consumers and send a misleading message on safety.

The Food and Drug Administration has more than 15 years of experience in evaluating food-based products of biotechnology, more than 20 years of experience with medical products of biotechnology. FDA's decision not to require labeling is consistent both with the law and with FDA's ''statement of policy'' More to the point, consumers have a lifetime of direct personal experience with foods genetically modified through hybridization and cross breeding should have the same regulations scrutiny as those modified by the new technology.

FDA bases labeling decisions on whether there are material differences between the new plant-based food and its traditional counterpart. These material differences include changes in the new plant that are significant enough that the common or usual name of the plant no longer applies or if the safety or use at issue exists that warrants consumer notification.

Despite this sensible policy, biotechnology's critics including the sponsor of this amendment, continue to argue that foods created using recombinant DNA techniques should bear a label revealing that fact. This view is based, in large part, on the faulty supposition that the potential for unintended and undetected differences between these foods and those produced through conventional means is cause for a label based solely on the method of production of the plant.

I would urge our three regulatory agencies that are overlooking, not only the biotech, but all products produced through traditional cross breeding, to thoroughly evaluate, all plants and seeds regardless of the process of development.

Mr. Chairman, I mean we have had products developed through cross breeding that ended up poisonous. So the regulatory bodies that we have with USDA, Food and Drug, as well as EPA is the best in the world right now. They are doing a good job.

What I am concerned with, I say to the gentleman from Ohio (Mr. KUCINICH), because of emotion, and miss information, labeling is going to be like putting a skull and cross bones on the food product. If we were to define a biotech-produced food the way Food and Drug defines a biotech-produced food, then it would require labeling of everything except a few brands of fish. Essentially all food today has been genetically modified.

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

Mr. SMITH of Michigan. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, although this specific amendment does not speak to our labeling bill directly, I would like to say that the labeling bill that the gentleman is speaking of serves to give the public the right to know what is in the food they are eating, that is really the basic concept.

Mr. SMITH of Michigan. Mr. Chairman, this amendment, as well as the sponsors goal of mandatory labels would be extremely confusing, and of little relevance, or service to consumers. FDA's current policy on labeling has been scientifically and legally sound and should be maintained. I urge my colleagues to oppose this amendment.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio, which would mandate labeling of foods derived from biotechnology.

Mr. Chairman, the risks for potentially unintended effects of agricultural biotechnology on the safety of new plant-based foods are conceptually no different than the risks for those plants derived from conventional breeding. As described in FDA's Statement of Policy, ''The agency is not aware of any information showing that foods derived by these new methods differ from other food in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any different or greater safety concern than foods developed by traditional plant breeding.'' This view was echoed by the research scientists who testified before the Subcommittee on the subject.

Indeed, there is a genuine fear that labeling biotech foods based on their method of production would be the equivalent of a ''skull and crossbones''—that the very presence of a label would indicate to the average consumer that safety risks exist, when the scientific evidence shows that they do not. Labeling advocates who argue otherwise are being disingenuous. The United Kingdom's new mandatory labeling law, for example, was put forward ostensibly to enhance consumer choice. Instead, it has prompted British food producers and retailers to remove all recombinant DNA constituents from the products they sell to avoid labeling.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word and rise in support of the Kucinich amendment, and I believe it is a forward thinking measure that deserves this Chamber's full support. If passed, the amendment would earmark $500,000 in the FDA portion of the budget to study guidelines for industry on how to assess genetically-engineered food products for allergenicity or for the potential food allergens and report back to Congress by the end of fiscal year 2001. If all that the prior speaker, the gentleman from Michigan (Mr. SMITH), says is true, it seems the gentleman would be supportive of the Kucinich amendment because everything that FDA has done in support of these issues would be met by a study.

As was previously stated, it is estimated that 2.5 million to 5 million Americans are allergic to foods such as milk, eggs, fish, seafood, tree nuts, wheat, peanut and soybean, and of all the millions already diagnosed, there

are still countless others who do not know they are allergic to foods until they have a reaction which sometimes can be deadly.

□ 1900

We must act now to ensure that we understand not only what we eat, but what effect the food we eat has upon us.

Again, I rise in support of my colleague's amendment.

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

Mrs. JONES of Ohio. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman from Ohio (Mrs. JONES), my colleague. The gentlewoman and I both represent the people of the Cleveland area.

Mr. Chairman, we have to remember what this amendment is about: it is to get $500,000 for the purpose of drafting guidance for the industry on how to assess genetically engineered food products for allergenicity. We are not voting on a labeling bill here. Some day we hope to bring such a bill to the floor so that the people of America will have a right to know what is in the food they are eating.

But with respect to this and the comments of the previous speaker, the gentleman from Michigan (Mr. SMITH), Brazil nuts are a known allergen. What we are speaking about here is testing for unknown allergens. I want everyone here to know that I am pleased to report that the FDA just informed me that they support the concepts within this amendment. I have pledged to work with them to find a compromise that all the parties can support.

So I want to let the chairman and the ranking member know that I am going to withdraw this amendment with an understanding that the chairman, the ranking member, the Food and Drug Administration, the gentlewoman from Ohio (Mrs. JONES), and other Members of the Congress who are working on this, that we could all work together to include acceptable language in a conference report.

Mr. Chairman, I would like to ask the gentleman from New Mexico (Mr. SKEEN) if that would be acceptable if the gentleman, that is, if I withdraw this amendment, could the gentleman give me some help with the FDA in encouraging them to go ahead and work to find a compromise so that the concepts in this amendment could be supported.

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

Mrs. JONES of Ohio. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I am sure I will do my best to give the gentleman from Ohio (Mr. KUCINICH) that kind of help.

Mrs. JONES of Ohio. Mr. Chairman, I again yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman, and I want to thank the gentleman from New Mexico (Mr. SKEEN) for his indulgence, and I also want to say that this issue of genetically engineered food is an issue all over this world. People in Europe are demanding labeling all throughout the European Union. People in Japan, people in Australia, people in New Zealand, demanding labeling. Why? Because people want to know what is in the food they eat. People have a right to know that. That is why years ago the Food and Drug Administration passed a regime so people could learn the ingredients on the food that they buy.

Imagine today if we did not even know the ingredients on the food that we were eating. Suppose someone did not want too much fat content or one was concerned about their protein intake. That is why Americans have become more sophisticated on dietary matters because of that law.

Americans are going to have the opportunity in the future, hopefully, to be able to know what is in the food they are eating. If it is genetically engineered, it will have to be labeled.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. JONES of Ohio. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, it is very important that we move ahead, that we give the assurance of safety. It has to be done. We cannot go ahead like Europe has gone ahead, based on unscientific evidence.

Mr. METCALF. Mr. Chairman, I rise in support of Mr. KUCINICH's efforts to secure funding for more study on the allergenic effects of genetically modified foods. I believe that bioengineered foods hold the potential for great benefit to the consumer. However, studies indicate that allergens from one food may pass to another through genetic engineering, and more research is required before families can be comfortable buying them at the grocery store.

Americans need to be able to make informed decisions about the food they buy. I understand that funding for an FDA study is not included in the bill we are debating today, but I hope that it can be inserted in conference.

Mr. KUCINICH. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 538, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 18 by Mr. NEY of Ohio; amendment No. 1 by Mr. HEFLEY of Colorado; and amendment No. 2 by Mr. HEFLEY of Colorado.

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

AMENDMENT NO. 18 OFFERED BY MR. NEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 18 offered by the gentleman from Ohio (Mr. Ney) 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 94, noes 326, not voting 14, as follows:

[Roll No. 359]

AYES—94

Aderholt
Armey
Bachus
Ballenger
Barr
Bartlett
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bryant
Burr
Buyer
Campbell
Chabot
Collins
Crane
DeLay
DeMint
Duncan
Ehlers
Ehrlich
English
Fattah
Foley
Ford
Fossella
Fowler
Franks (NJ)
Gallegly
Gilchrest
Gillmor
Hall (OH)
Hastings (WA)
Hayworth
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Isakson
Jackson (IL)
Johnson (CT)
Kasich
Kelly
King (NY)
Kingston
Kucinich
Kuykendall
LaTourette
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Miller (FL)
Mollohan
Nethercutt
Ney
Oxley
Peterson (PA)
Portman
Pryce (OH)
Quinn
Rahall
Regula
Riley
Ros-Lehtinen
Sawyer
Scarborough
Sensenbrenner
Shaw
Shimkus
Shuster
Stearns
Strickland
Sununu
Sweeney
Tauzin
Taylor (MS)
Thomas
Traficant
Upton
Vitter
Wamp
Weller
Whitfield
Wise

NOES—326

Abercrombie
Ackerman
Allen
Andrews
Archer
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Forbes
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hayes

Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stump
Stupak
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—14

Bishop
Clay
Cook
Filner
Goodling
Klink
Lazio
Lofgren
Markey
McIntosh
McNulty
Vento
Wynn
Young (AK)

□ 1925

Messrs. ROTHMAN, RADANOVICH, SHAYS, BATEMAN, RYAN of Wisconsin, CUNNINGHAM, and CONYERS changed their vote from ''aye'' to ''no.''

Messrs. STRICKLAND, SHAW, HILLEARY, ADERHOLT, and SAWYER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 538, 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 NO. 1 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 1 offered by the gentleman from Colorado (Mr. HEFLEY) 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 is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 132, noes 287, not voting 15, as follows:

[Roll No. 360]

AYES—132

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Bilirakis
Bliley
Blunt
Brady (TX)
Bryant
Burr
Callahan
Campbell
Cannon
Chabot
Coble
Coburn
Costello
Cox
Crane
Davis (VA)
DeGette
DeMint
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehrlich
English
Ewing
Forbes
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Gilchrest
Goode
Goodlatte
Goss
Graham
Green (WI)
Greenwood
Hall (TX)
Hayworth
Hefley
Hilleary
Hobson
Horn
Hostettler
Hutchinson
Inslee
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kind (WI)
Kingston
Largent
Leach
Linder
LoBiondo
Luther
Manzullo
Martinez
McCarthy (NY)
McCollum
McInnis
Meehan
Mica
Miller (FL)
Miller, Gary
Minge
Moore
Morella
Myrick
Oxley
Pascrell
Paul
Pickering
Porter
Portman
Ramstad
Rogan
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shows
Sisisky
Smith (NJ)
Spence
Stearns
Stump
Sununu
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Toomey
Udall (CO)
Udall (NM)
Vitter
Wamp
Weldon (PA)
Weller
Wilson

NOES—287

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Berman
Berry
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Ford
Fowler
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickett
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—15

Bishop
Clay
Cook
Cubin
Filner
Goodling
Klink
Lazio
Lofgren
Markey
McIntosh
McNulty
Vento
Wynn
Young (AK)

□ 1934

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

Mrs. ROUKEMA and Messrs. INSLEE, COX and MINGE changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 2 offered by the gentleman from Colorado (Mr. HEFLEY) 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 94, noes 319, not voting 21, as follows:

[Roll No. 361]

AYES—94

Archer
Armey
Baker
Ballenger
Barr
Barton
Berkley
Bilbray
Brady (TX)
Bryant
Burr
Campbell
Cannon
Chabot
Coburn
Cox
Crane
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Dreier
Duncan
Ehlers
Ehrlich
Ewing
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gibbons
Goss
Hansen
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Inslee
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Largent
Leach
Linder
LoBiondo
McInnis
Meehan
Menendez
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Paul
Petri
Pickering
Portman
Ramstad
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shows
Smith (WA)
Souder
Stearns
Stump
Sununu
Taylor (MS)
Taylor (NC)
Terry
Tierney
Toomey
Traficant
Udall (NM)
Vitter
Wamp

NOES—319

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
Meek (FL)
Meeks (NY)
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—21

Bishop
Bonilla
Clay
Cook
Coyne
Filner
Goodling
Hastings (WA)
Klink
Lazio
Lipinski
Lofgren
Manzullo
Markey
Matsui
McIntosh
McNulty
Vento
Weygand
Wynn
Young (AK)

□ 1942

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MANZULLO. Mr. Chairman, on rollcall No. 361, I was inadvertently detained. Had I been present, I would have voted ''aye.''

□ 1945

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

Mr. Chairman, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I want to thank the gentleman for yielding.

Mr. Chairman, I just would like to wish the gentleman from New Mexico (Chairman SKEEN), a happy birthday. Tomorrow is his birthday, and I wish him a happy birthday.

Mr. SKEEN. Mr. Chairman, reclaiming my time, my colleagues make me feel a lot younger, and I thank all of my colleagues.

Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Happy birthday.

Mr. Speaker, I also want to tell my colleagues, Mr. Speaker, I had intended to offer an amendment that would have added $5 million to the Food and Nutrition Service for a program that would target outreach to expand the feeding programs in the colonia areas of the Southwest.

I will not offer the amendment, but I would like to request a commitment from the chairman that, as the agriculture bill moves to conference committee, that he will do what he can to secure the funds for this much-needed targeted assistance in the colonias.

Mr. SKEEN. Mr. Speaker, reclaiming my time, I thank the gentleman from Texas for his involvement in this issue. The plight of the people living in the colonias is serious. The USDA spends about $350 million per year on this type of outreach. I commit to the gentleman that I will work in conference to direct that adequate funds be targeted to this program in the southwest.

Mr. REYES. Mr. Speaker, if the gentleman will yield, I want to thank the chairman. I also want to thank the staff for helping us work out this commitment. I look forward to working with him.

Mr. SKEEN. Mr. Speaker, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NUSSLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to discuss the evening's schedule.

Mr. Speaker, we have just risen from the Agricultural Appropriations bill. We will come back to that at a later time.

I should tell the Members we have kind of got good news and bad news for

them. Let me start with the good news. The good news is that there is a high probability that we can complete our work some time this evening or early tomorrow morning, depending on how well things go.

The bad news is that, in order to do that and have tomorrow off, we would have to be willing to work late and work our way through this.

Mr. Speaker, in just a few minutes, the distinguished chairman of the Committee on Appropriations will be filing the MILCON conference report and be asking unanimous consent to take it up. Assuming that his unanimous consent request is agreed to, then go directly in that bill and complete that bill as time requires.

Then following the completion of that work, we would take up the doctors' collective bargaining rule and then move right on to that bill; and upon the completion of that bill, our work would be completed.

It is, of course, my fondest hope and my expectation that the unanimous consent will be agreed to. If for some reason that is not the case, we would then go to the doctors' collective bargaining rule and continue to work on our best effort to get the MILCON conference report to the floor right after we complete the rule. We would then, of course, finish up the evening with the collective bargaining.

The urgency here is that we need to complete the MILCON conference report, make it available for the other body for their consideration in the morning. So we will build our remaining schedule to the evening around the fate of that unanimous consent. That is the announcement.

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes:

[The text of the conference report can be found on page H5460.]

MAKING IN ORDER ON OR BEFORE FRIDAY, JUNE 30, 2000 CONSIDERATION OF CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time on or before the legislative day of Friday, June 30, 2000, to consider the conference report to accompany H.R. 4425; that all points of order against the conference report and against its consideration be waived; that the conference report be considered as read when called up; and that H. Res. 540 be laid on the table.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. YOUNG) so that he may briefly explain to the Members what this is all about.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me. The purpose of the unanimous consent is to expedite the business of this House. We passed in this body the supplemental on the 30th day of March, and it has been hanging out there now until today. It has been a work in progress. We have been working diligently to cover every possible issue that we could with a limitation on the amount of money available.

Now, here is the problem, and here is why we need to expedite this. We are recessing for the 4th of July recess. The Army, as well as the other services, has the biggest problem because its money for the fourth quarter has been spent in Kosovo and other deployments.

It is essential that this money be replaced before the Army has to stop driving its trucks or the Navy has to tie up its ships or the Air Force and the Marine Corps have to stop flying their airplanes.

It is essential that we move this conference report through the House tonight in order for the Senate to take it up tomorrow before we all get home for our 4th of July activities. That is the reason that we are trying to expedite this through a unanimous consent request.

Now, there probably will be some parts of this bill that someone does not like, but that is always the case. We need to move this conference agreement. I hope that no one will object to us taking it up so we can debate it and move it on to the Senate.

Mr. OBEY. Mr. Speaker, further reserving the right to object, let me simply say that there are large portions of this bill to which I am strongly opposed, as the gentleman from Florida knows, including the Colombia aid package. I have expressed my view through my votes as this has gone through the process.

I feel it is my institutional obligation, even though I continue to be opposed to large sections of this, to at least facilitate the House's ability to work its will. There will be, I am sure, a rollcall vote on final passage so Members will express themselves.

So in the interest of moving the House forward more quickly, I do not intend to object.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. COBURN. Mr. Speaker, reserving the right to object, I think we need to ask ourselves, there is no question there are significant needs in this bill. But we are getting ready to vote on a bill that is $2.7 billion larger than the bill we voted on before. Nobody in this body outside of those in the appropriations process is going to be privy to what is in this.

The question will be, do we know what we are voting on? The answer to that is no. If my colleagues feel very comfortable in spending $11.2 billion and not knowing where the money is going, then we should take that up.

I will not object, but I think we are doing a disservice to the people of this country. I also might note that in this appropriation bill is $105 million in both the Senate and the House to sprinkle around for us, just $105 million each; $105 million for pork projects or otherwise. My colleagues are not going to know where it is, but they are going to vote for it whether they agree with it or not.

So I will withdraw my reservation, but I think the process, even though well-intended, will create major problems for us here forward.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4425 and that I may include tabular and extraneous material.

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

There was no objection.

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CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, this conference report deals with the military construction appropriations bill. The conference report contains two parts, one is the conference report on the military construction appropriation bill, as I said, and the other part is the conference report on the supplemental for the Defense Department and other items that were passed on March 30 in the House of Representatives.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. HOBSON), the very distinguished chairman of the Subcommittee on Military Construction, to explain what is in that part of the bill.

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

Mr. HOBSON. Mr. Speaker, Division A of the conference report we present to the House today recommends a total appropriation of $8.8 billion for military construction, family housing, and base closure. Overall, the agreement recommends $3.6 billion for items related to family housing, $4.2 billion for military construction, and $1 billion for the implementation of base realignments and closures.

As always, I want to express my appreciation to all members of the subcommittee, as well as expressing to our ranking member, the gentleman from Massachusetts (Mr. OLVER), for his cooperation in crafting this agreement.

These funds represent an investment program that has significant payback in economic terms and in better living and working conditions for our military personnel and their families.

Mr. Speaker, I also want to congratulate the big chairman and all the other chairmen that worked on Division B. This has not been an easy process for them to go through, but it is an essential process to maintaining our defense posture in this country. I hope that when we complete our work tonight we will have passed this bill in support of our troops, in support of their living conditions, and I want to express my sincere thanks to everyone who worked very hard to make this a reality this evening.

Mr. Speaker, I submit for the RECORD data relating to Division A of the Military Construction Appropriations Bill.

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Military construction, Army	1,042,033	897,938	870,585	824,138	909,880	-132,153
Foreign currency fluctuation adjustment			-635	-635	-635	-635
Total	1,042,033	897,938	869,950	823,503	909,245	-132,788
Military construction, Navy	901,531	753,422	894,269	831,167	931,162	+29,631
Foreign currency fluctuation adjustment			-2,889	-2,889	-2,889	-2,889
Total	901,531	753,422	891,380	828,278	928,273	+26,742
Military construction, Air Force	777,238	530,969	703,903	777,793	870,208	+92,970
Military construction, Defense-wide	593,615	784,753	807,429	808,213	821,762	+228,147
Foreign currency fluctuation adjustment			-7,115	-7,115	-7,115	-7,115
Total	593,615	784,753	800,314	801,098	814,647	+221,032
Total, Active components	3,314,417	2,967,082	3,265,547	3,230,672	3,522,373	+207,956
Military construction, Army National Guard	227,456	59,130	137,603	233,675	281,717	+54,261
Military construction, Air National Guard	263,724	50,179	110,585	183,029	203,829	-59,895
Military construction, Army Reserve	111,340	81,713	115,854	99,888	108,738	-2,602
Military construction, Naval Reserve	28,457	16,103	53,004	38,532	64,473	+36,016
Rescission			-2,400		-2,400	-2,400
Total	28,457	16,103	50,604	38,532	62,073	+33,616
Military construction, Air Force Reserve	64,404	14,851	43,748	25,533	36,591	-27,813
Total, Reserve components	695,381	221,976	458,394	580,657	692,948	-2,433
Total, Military construction	4,009,798	3,189,058	3,723,941	3,811,329	4,215,321	+205,523
Appropriations	(4,009,798)	(3,189,058)	(3,726,341)	(3,811,329)	(4,217,721)	(+207,923)
Rescissions			(-2,400)		(-2,400)	(-2,400)
NATO Security Investment Program	81,000	190,000	177,500	175,000	172,000	+91,000
Family housing, Army:						
New construction	41,000	91,974	115,974	150,974	165,824	+124,824
Construction improvements	35,400	63,590	77,940	63,590	63,590	+28,190
Planning and design	4,300	6,542	6,542	6,542	6,542	+2,242
Foreign currency fluctuation adjustment			-1,951			
Subtotal, construction	80,700	162,106	198,505	221,106	235,956	+155,256
Operation and maintenance	1,086,312	978,275	971,704	978,275	971,704	-114,608
Foreign currency fluctuation adjustment			-17,960	-19,911	-19,911	-19,911
Subtotal, operation and maintenance	1,086,312	978,275	953,744	958,364	951,793	-134,519
Total, Family housing, Army	1,167,012	1,140,381	1,152,249	1,179,470	1,187,749	+20,737
Family housing, Navy and Marine Corps:						
New construction	134,674	159,317	213,720	188,760	205,120	+70,446
Construction improvements	189,682	183,547	183,547	184,047	193,077	+3,395
Planning and design	17,715	19,958	19,958	19,958	19,958	+2,243
Foreign currency fluctuation adjustment			2,359			
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	341,071	362,822	419,584	392,765	418,155	+77,084
Operation and maintenance	891,470	882,638	882,638	882,638	882,638	-8,832
Foreign currency fluctuation adjustment			-3,430	-1,071	-1,071	-1,071
Subtotal, operation and maintenance	891,470	882,638	879,208	881,567	881,567	-9,903
Total, Family housing, Navy and Marine Corps	1,232,541	1,245,460	1,298,792	1,274,332	1,299,722	+67,181
Family housing, Air Force:						
New construction	203,411	36,677	61,417	47,275	72,015	-131,396
Construction improvements	129,952	174,046	174,046	174,046	174,046	+44,094
Planning and design	17,093	12,760	12,760	12,760	12,760	-4,333
Foreign currency fluctuation adjustment			-6,839	-6,839	-6,839	-6,839
General reduction and revised economic assumptions	-1,000					+1,000
Subtotal, construction	349,456	223,483	241,384	227,242	251,982	-97,474
Operation and maintenance	818,392	826,271	826,271	826,271	826,271	+7,879
Foreign currency fluctuation adjustment			-5,392	-5,392	-5,392	-5,392
Subtotal, operation and maintenance	818,392	826,271	820,879	820,879	820,879	+2,487
Total, Family housing, Air Force	1,167,848	1,049,754	1,062,263	1,048,121	1,072,861	-94,987

DIVISION A - MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425) — continued

(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Family housing, Defense-wide:						
Construction improvements	50					-50
Operation and maintenance	41,440	44,886	44,886	44,886	44,886	+3,446
Total, Family housing, Defense-wide	41,490	44,886	44,886	44,886	44,886	+3,396
Department of Defense Family Housing Improvement Fund	2,000					-2,000
Total, Family housing	3,610,891	3,480,481	3,558,190	3,546,809	3,605,218	-5,673
New construction	(379,085)	(287,968)	(391,111)	(387,009)	(442,959)	(+63,874)
Construction improvements	(355,084)	(421,183)	(435,533)	(421,683)	(430,713)	(+75,629)
Foreign currency fluctuation adjustment			(-6,431)	(-6,839)	(-6,839)	(-6,839)
Planning and design	(39,108)	(39,260)	(39,260)	(39,260)	(39,260)	(+152)
General reduction	(-2,000)					(+2,000)
Operation and maintenance	(2,837,614)	(2,732,070)	(2,725,499)	(2,732,070)	(2,725,499)	(-112,115)
Foreign currency fluctuation adjustment			(-26,782)	(-26,374)	(-26,374)	(-26,374)
Family Housing Improvement Fund	(2,000)					(-2,000)
Base realignment and closure accounts:						
Part IV	672,311	1,174,369	1,174,369	1,174,369	1,024,369	+352,058
GENERAL PROVISIONS						
General provision (sec. 129)				-73,507	-100,000	-100,000
Foreign currency account (sec. 132)					-83,000	-83,000
Grand total:						
New budget (obligational) authority	8,374,000	8,033,908	8,634,000	8,634,000	8,833,908	+459,908
Appropriations	(8,374,000)	(8,033,908)	(8,636,400)	(8,634,000)	(8,836,308)	(+462,308)
Rescissions			(-2,400)		(-2,400)	(-2,400)

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to object to the anti-environmental provision of this conference report. That provision is a direct assault on the Clean Water Act. It prevents the EPA from proceeding with a final rulemaking on the Total Minimum Daily Load proposed rule which has been under consideration for several years and which is important to addressing the last frontier of the Clean Water Act: discharges from open spaces, runoff from land that gets into our waters through our creeks and streams, into lakes and rivers, and into estuaries.

The EPA was proceeding in proper fashion with this rulemaking. It has removed from the final rule any reference to and effect upon silviculture, forestry, in order to deal more comprehensively, effectively and thoroughly with the fundamental issue of runoff from nonpoint sources. It is regrettable that language was inserted in conference in this bill to prevent EPA from moving ahead to improve the quality of the Nation's waters.

Mr. Speaker, just a few short weeks ago, the majority, with much fanfare, claimed to have adopted a policy of no antienvironmental riders in appropriations bills. That policy did not last until even the first conference report—which does contain language preventing EPA from improving the quality of the Nation's waters.

Mr. Speaker, the provisions in the conference report which prevents EPA from proceeding with the TMDL rule is a direct attack on the Clean Water Act—preventing EPA from spending any money to advance the process of developing and implementing the program for Total Maximum Daily Loads.

The TMDL program is the final phase of the Clean Water Act. It is the mechanism by which we will fulfill the promise made to the American public in 1972 to make the Nation's waters fishable and swimmable.

The opposition to the TMDL rule is badly misguided and fueled by an unwillingness to achieve water quality in a fair and timely manner. The TMDL process is an effective, rational, and defensible process by which to achieve the water quality goals of The Clean Water Act.

This is how the process works: First, states identify those waters where the water quality standards which the states have developed are not being met.

Second, states identify the pollutants that are causing the water quality impairment.

Third, states identify the sources of those pollutants.

Finally, states assign responsibility for reducing those pollutants so that the waters can meet the uses that the states have established.

We have made great improvements in water quality through the treatment of municipal waste and industrial discharges. Thanks to billions of dollars invested by industries and municipalities, these point sources are no longer the greatest source of impairment. Nationally, the greatest problem is nonpoint sources. Now, nearly 30 years after the Clean Water Act, it is time for the states to get all sources of pollution to be part of the solution.

I have heard the arguments that the TMDL rule is not based on science. In my considered judgment, the TMDL rule is not only based on science, it is also based upon the facts.

Just this week, EPA published its biennial report entitled ''National Water Quality.'' This report provides Congress with information developed by the states, and the states tell us that there are still major water quality problems to be addressed. Further, the states tell Congress that for rivers, streams, lakes, reservoirs, and ponds, the leading source of water quality impairment, by far, is runoff from urban lands under development and from those agricultural lands that are not properly managed to contain runoff.

Mr. Speaker, the TMDL process is the most fair and efficient way to clean up the Nation's waters. The TMDL rule is not perfect. Many have criticized it, including some in the environmental community, and EPA has responded by making adjustments.

EPA has changed the TMDL rule to make it clearer and more responsive to the concerns of the agricultural community. EPA has also in its entirety withdrawn that part of the rule which addresses forestry, and has promised to work with stakeholders to develop a new rule.

The vast majority of the environmental community supports going forward. The Department of Agriculture supports going forward. The Association of Metropolitan Sewerage Agencies supports going forward.

I hope that EPA does in fact move forward, and that this inappropriate, unnecessary rider will be revered in subsequent legislation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I rise today really to offer my thanks to the chairman and the ranking member for including in this supplemental claims for the Cerro Grande fire in New Mexico. It was less than 2 months ago now when the National Park Service lit a fire that destroyed the homes of over 400 families in the town of Los Alamos in northern New Mexico. And in less than 2 months, some folks working very hard here have come up with a way to compensate the victims and try to get them on the path to rebuilding their homes and their lives.

I particularly wanted to thank Senator DOMENICI and Senator BINGAMAN for their leadership. I wanted to thank the gentleman from Florida (Mr. YOUNG); the Speaker, the gentleman from Illinois (Mr. HASTERT); the gentleman from California (Mr. LEWIS); and the gentleman from Ohio (Mr. HOBSON) for their hard work and their willingness to include this claims language and the compensation in this bill.

From the people of New Mexico, we thank you very much.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, my comments will refer to the military construction part of this legislation, and I want to start by saying that it is a great pleasure to work with the chairman of this Subcommittee on Military Construction, the gentleman from Ohio (Mr. HOBSON). It is also a pleasure to work with the staff, both the majority and minority staff, the majority clerk, Liz Dawson, and our minority staff, Tom Forhan.

Mr. Speaker, this agreement, negotiated in a fair and bipartisan spirit under the leadership of subcommittee chairman deserves our support. It was not an easy negotiation. The bills produced by the two parties were miles apart. Therefore, to reach agreement, there were worthy construction projects that had to be reduced or dropped. So not everyone is happy with the result in either branch or from either side of the aisle.

I am not pleased with giving up the $20 million deferral of construction funding for national missile defense that the House-passed bill included. It is very clear to me that the appropriations in this bill for national missile defense represents a head-long rush toward a goal that exceeds our grasp.

Supporting material for the budget request was thin and vague. Cost estimates were based on the most expensive options in every case. The prevalent presumption is that the site of the facility will be Alaska, which would break the ABM Treaty. With the leadership of the gentleman from Ohio (Mr. HOBSON), the House tried to apply reality to this program; but the Senate was obdurate.

However, looking at the good in the rest of this bill, I support its passage. The agreement provides for better workplaces and housing for the men and women that serve our Nation in the military, along with their families and, as such, will help us to retain our well-trained people.

The appropriation for military construction is 5 percent higher than last year, so we are not losing ground in dealing with our facilities and housing backlog. At least half of the dollars of the appropriated dollars go to family and bachelor housing, both new and for improvements to existing housing. And several hundred million additional dollars are for child development centers, hospitals and health clinics, and schools. So I think we are on the road to improving the quality of life for our military families.

I want to thank the subcommittee chairman particularly for the bipartisan spirit behind this bill. And again I want to recognize both the minority and majority staff on this bill. They are dedicated professionals who put the time and effort into making this agreement real. I urge my colleagues to support the military construction conference report.

Mr. YOUNG of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the

chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Speaker, I rise in support of the conference agreement, which will, as far as the Subcommittee on Foreign Operations, Export Financing and Related Programs is concerned, will provide $1.3 billion in assistance for Plan Colombia.

There are some in this body and some who question whether or not this is the right direction; but this is the direction that the President of Colombia, the President of the United States, and our drug czar, General McCaffrey, has requested that we submit to the Colombians, this necessary ingredient to help them stop the flow of drugs into the United States. It is imperative that we do this tonight, and it is imperative that my colleagues join with us.

To satisfy some who are concerned about some of the human rights and justice program, we have included an additional $29 million above the President's request to make certain that human rights and justice are provided for all citizens. And I certainly encourage the Members of Congress to vote for it.

On that note, let us not send any doubt that the U.S. Congress is not behind this plan that has been developed to help eradicate this tremendous problem for the United States and for the world. Even though we have gone through all of the debate and all of the negotiations and all of the discussions about whether or not this is the right direction, in my opinion this is the right direction at this time. I think that if we are going to do anything to combat drugs, we must respond to those people who have pledged to eradicate this tremendous plague on the people of the United States and the people of the world and, at the same time, to provide the Colombian government with the necessary resources.

We are not giving direct cash to the Colombian government. Most of the money that we are providing will go in vehicles that are manufactured by American workers. Most all of this $1.3 billion will be spent here in the United States providing the artillery and providing the necessary vehicles that the Colombians need to win this war against drugs.

So this is the time when we should support our President, support the Colombian plan, support the other allies throughout the world who are contributing nearly $5 billion towards this program. Our share is only $1.3 billion of the $7.5 billion plan. So I think it is the right direction for our country to take, and I would encourage all Members to vote for this conference report which includes these very vital provisions.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise tonight on the supplemental as a former Peace Corps volunteer who lived 2 years in Colombia. I am very concerned about the issues that the chairman of the subcommittee just talked about, Plan Colombia.

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We are sending $1.185 billion in aid to Colombia and, as the chairman said, not directly to Colombia but in many different ways.

My message tonight is that with this funding comes a message from the American people to Colombia, and that is that we want to help the good, honest people of that beautiful country to end the violence in Colombia. With the money comes our voice. Our voice joins their voice in ''no mas,'' ''no more,'' no more drugs, no more corruption in their politics, no more violence in the campo, no more kidnappings, no more insurgence by political rebels who do not want to participate in the Democratic process that their Government guarantees.

We are sending them helicopters but not troops, we are sending them professional training of their National Police and Army, but only if they assure us that they will not violate human rights and only if they assure us that they will prosecute such violators in civil court.

If they use our helicopters to assist anybody that is not fighting the drug war, if they use them to assist the paramilitary, they lose it. If they use them to assist insurgence, they lose those helicopters.

Let it be known to anyone who aids and abets Colombian insurgence or the paramilitary that they will lose any visas that they apply for or will lose any if they already have them, any member of FARC, any member of ELAN, any member of the AUC. They will also lose any deposit or investment of any illegally obtained monies. It will be impounded.

Yes, we are aiding Colombia tonight in Plan Colombia. We send them a message. We send them a message that this aid is to help them out of violence, to help them become the democracy that they can be.

We hope that it will work. If it does not, we will make sure that they do not get any more.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for closing.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Speaker, I think it is important for the House to understand that all the agriculture commodity issues have been deferred so that they will be dealt with on the regular Agriculture Appropriations bill.

With respect to the Colombia provision that the gentleman from California (Mr. FARR) just mentioned, I think that is a profound mistake. I voted against it. I lost.

I do think that we are in better shape in the conference report than we were in the original bill because we now do have the Byrd language, which will require a new authorization for that operation if new funds are asked for the year 2002 or beyond.

We also have the human rights language that Senator LEAHY pushed in this bill. This bill does contain the disaster assistance, which cannot be delayed any longer.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time I may consume.

Mr. Speaker, an earlier speaker had mentioned that this bill was $2 billion over the original House bill. I think there was a mistake in addition or subtraction. Because the House bill that we passed on March 30 was $12.7 billion. This conference report is $11.2 billion. So that is less than the House-passed bill.

Now, that is unusual because normally when we come back from conference we have a bill that is much larger than either the House or the Senate.

Now, there is one reason that this bill might appear to be higher is because of a provision that sets aside $4 billion to be used exclusively to pay down on the national debt. If we add that $4 billion, then, of course, the number gets higher. But that $4 billion is not spent. It is reserved and it is set aside to pay down the debt.

Mr. COBURN. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Speaker, is it not true that the original House-passed bill had $4 billion in defense spending in it which is not in this bill that was moved to the Defense Appropriations bill?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, the gentleman is correct. There was some adjustment on that issue, yes.

Mr. Speaker, I ask our Members to support this conference report and move it on to the other body.

Before I yield back my time, I want to thank the principals who worked so hard in making this bill as good a bill as it is today. It is a good bill. There are some things that Members want that did not get in there. There were some things that I had in the original bill that were of importance to my State that are not in the bill tonight. And quite a few of us have had that experience. But it is a good bill, and it is a clean bill.

I want to compliment the gentleman from Ohio (Mr. HOBSON), the chairman of the Subcommittee on Military Construction, and the ranking member, the gentleman from Massachusetts (Mr. OLVER), who worked diligently to get the military construction section of this bill concluded in a very expeditious manner; and the gentleman from California (Mr. LEWIS), the gentleman from Ohio (Mr. REGULA), the gentleman

from Alabama (Mr. CALLAHAN), the gentleman from Kentucky (Mr. ROGERS), the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from California (Ms. PELOSI), and the gentleman from Pennsylvania (Mr. MURTHA); and then my colleague, the gentleman from Wisconsin (Mr. OBEY), who is the ranking member on the full committee.

I must tell my colleagues that it has been a difficult procedure. But we have worked together. We have had some strong differences of opinion, and we have worked them out.

There are still some areas where the gentleman from Wisconsin (Mr. OBEY) is not satisfied and where I am not satisfied, but this is as good a bill as we could produce for this supplemental.

I want to pay tribute, also, to the many members of our staff, subcommittee staff and the full committee staff, who worked many, many long and hard hours to help us put together the mechanical parts of this bill. To do the adding and subtracting has been a tremendous effort.

Mr. Speaker, I ask for a yes vote on the conference report.

At this point in the RECORD I would like to insert a table providing the details of the conference agreement.

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)
(Amounts in thousands)

	Conference
DIVISION B - FY 2000 SUPPLEMENTAL APPROPRIATIONS	
TITLE I - KOSOVO AND OTHER NATIONAL SECURITY MATTERS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Operation and Maintenance	
Operation and maintenance, Army (emergency appropriations)	23,883
Operation and maintenance, Navy (emergency appropriations)	20,565
Operation and maintenance, Marine Corps (emergency appropriations)	37,155
Operation and maintenance, Air Force (emergency appropriations)	38,065
Operation and maintenance, Defense-wide (emergency appropriations)	40,000
Operation and maintenance, Army Reserve (emergency appropriations)	2,174
Operation and maintenance, Army National Guard (emergency appropriations)	2,851
Overseas contingency operations transfer fund (emergency appropriations)	2,050,400
Total, Operation and Maintenance	2,215,093
Procurement	
Aircraft procurement, Air Force (emergency appropriations)	73,000
Research, Development, Test and Evaluation	
Research, development, test and evaluation, Army	5,700
Other Department of Defense Programs	
Defense health program (emergency appropriations)	3,533
General Provisions	
Defense-wide working capital fund (emergency appropriations) (sec. 102)	1,556,200
Aircraft procurement, Air Force (sec. 103)	90,000
Procurement of weapons and tracked combat vehicles, Army (sec. 104)	163,700
Defense health program (emergency appropriations) (sec. 105)	615,600
Defense health program (emergency appropriations) (sec. 107)	695,900
Quality of life (emergency appropriations) (sec. 108)	27,000
Military recruiting, advertising, and retention (emergency appropriations) (sec. 109)	357,288
Depot-level maintenance and repair (emergency appropriations) (sec. 110)	220,000
High priority support to deployed forces (emergency appropriations) (sec. 111)	503,900
Biometrics (sec. 112)	7,000
Patriot mods (emergency appropriations) (sec. 113)	125,000
Operation Walking Shield (sec. 114)	300
East Timor and Mozambique humanitarian assistance (emergency appropriations) (sec. 115)	61,500
Macalloy (by transfer) (sec. 116)	(9,642)
Olympic Games support (sec. 117)	8,000
Cavalese (sec. 122)	10,000
Rescissions (sec. 123)	-286,611
Total, Chapter 1:	
New budget (obligational) authority	6,452,103
Appropriations	(284,700)
Rescissions	(-286,611)
Emergency appropriations	(6,454,014)
(By transfer)	(9,642)
CHAPTER 2	
DEPARTMENT OF DEFENSE - CIVIL	
DEPARTMENT OF THE ARMY	
Corps of Engineers - Civil	
General investigations (emergency appropriations)	3,500
Construction, general (contingent emergency appropriations)	3,000
Operation and maintenance, general (contingent emergency appropriations)	200
Total, Corps of Engineers - Civil	6,700
DEPARTMENT OF THE INTERIOR	
Bureau of Reclamation	
Water and related resources (contingent emergency appropriations)	600
DEPARTMENT OF ENERGY	
Energy Programs	
Uranium enrichment decontamination and decommissioning fund (contingent emergency appropriations)	58,000
Atomic Energy Defense Activities	
Weapons activities (contingent emergency appropriations)	96,500
Other defense activities (contingent emergency appropriations)	38,000
Total, Atomic Energy Defense Activities	134,500
Total, Department of Energy	192,500
Total, Chapter 2:	
New budget (obligational) authority	199,800
Emergency appropriations	(3,500)
Contingent emergency appropriations	(196,300)

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
General Provisions	
Military construction, Navy (sec. 303)	35,000
Rescission (sec. 303)	-35,000
Military construction, Defense-wide (contingent emergency appropriations) (sec. 302)	1,000
Military construction, Army Reserve (contingent emergency appropriations) (sec. 301)	12,348
Family housing, Army (contingent emergency appropriations) (sec. 301)	2,000
Family housing, Navy and Marine Corps (contingent emergency appropriations) (sec. 301)	3,000
Family housing, Air Force (contingent emergency appropriations) (sec. 301)	1,700
Total, Chapter 3:	
New budget (obligational) authority	20,048
Appropriations	(35,000)
Rescissions	(-35,000)
Contingent emergency appropriations	(20,048)
CHAPTER 4	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Operating expenses (contingent emergency appropriations)	77,000
Acquisition, construction, and improvements (contingent emergency appropriations)	578,000
Total, Chapter 4:	
New budget (obligational) authority	655,000
CHAPTER 5	
BILATERAL ECONOMIC ASSISTANCE	
General Provisions	
International disaster assistance (contingent emergency appropriations) (sec. 501)	25,000
Assistance for Eastern Europe and the Baltic States (emergency appropriations) (sec. 502)	50,000
Total, Chapter 5:	
New budget (obligational) authority	730,000
Emergency appropriations	(50,000)
Contingent emergency appropriations	(680,000)
Total, title I:	
New budget (obligational) authority	7,401,951
Appropriations	(319,700)
Rescissions	(-321,611)
Emergency appropriations	(6,507,514)
Contingent emergency appropriations	(896,348)
(By transfer)	(9,642)
TITLE II - NATURAL DISASTER ASSISTANCE AND OTHER SUPPLEMENTAL APPROPRIATIONS	
CHAPTER 1	
DEPARTMENT OF AGRICULTURE	
Office of the Secretary (contingent emergency appropriations)	1,350
Farm Service Agency	
Salaries and expenses (contingent emergency appropriations)	77,560
Rural Housing Service	
Rural Housing Insurance Fund Program Account:	
Rental housing (sec. 515):	
Loan subsidy (emergency appropriations)	15,872
Loan authorization	(40,000)
Rental assistance program (sec. 521) (emergency appropriations)	13,600
Total, Rural Housing Service	29,472
General Provisions	
Commodity Credit Corporation:	
Marketing associations loan forgiveness (contingent emergency appropriations) (sec. 2101)	81,000
Peanut assessments (contingent emergency appropriations) (sec. 2102)	7,000
Total, Chapter 1:	
New budget (obligational) authority	196,382
Emergency appropriations	(29,472)
Contingent emergency appropriations	(166,910)
(Loan authorizations)	(40,000)
CHAPTER 2	
DEPARTMENT OF JUSTICE	
Legal Activities	
Salaries and expenses, United States Attorneys (contingent emergency appropriations)	12,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Drug Enforcement Administration	
Salaries and expenses (contingent emergency appropriations)	181,000
Office of Justice Programs	
Justice assistance (contingent emergency appropriations)	2,000
Total, Department of Justice	195,000
DEPARTMENT OF COMMERCE	
Economic Development Administration	
Economic development assistance programs (contingent emergency appropriations)	55,800
National Oceanic and Atmospheric Administration	
Operations, research, and facilities (emergency appropriations)	17,400
Contingent emergency appropriations	13,300
DEPARTMENT OF STATE	
International Commissions	
American sections, international commissions (contingent emergency appropriations)	2,150
RELATED AGENCIES	
Small Business Administration	
Disaster Loans Program Account:	
Direct loans subsidy (contingent emergency appropriations)	15,500
Administrative expenses (contingent emergency appropriations)	25,400
Total, Small Business Administration	40,900
United States Commission on International Religious Freedom	
Salaries and expenses (contingent emergency appropriations)	2,000
General Provisions	
Crab fishery failure (contingent emergency appropriations) (sec. 2201)	10,000
Northeast multispecies fishery failure (contingent emergency appropriations) (sec. 2202)	10,000
Northwest Hawaiian Islands (contingent emergency appropriations) (sec. 2203)	7,000
North Pacific Marine Research Institute (contingent emergency appropriations) (sec. 2204)	5,000
Total, Chapter 2:	
New budget (obligational) authority	358,550
Emergency appropriations	(17,400)
Contingent emergency appropriations	(341,150)
CHAPTER 3	
DEPARTMENT OF THE INTERIOR	
Bureau of Land Management	
Wildland fire management (emergency appropriations)	100,000
Contingent emergency appropriations	100,000
Land acquisition (contingent emergency appropriations)	2,000
Total, Bureau of Land Management	202,000
Office of Surface Mining Reclamation and Enforcement	
Regulation and technology (contingent emergency appropriations)	9,821
Total, Department of the Interior	211,821
DEPARTMENT OF AGRICULTURE	
Forest Service	
National forest system (contingent emergency appropriations)	2,000
Wildland fire management (contingent emergency appropriations)	150,000
Total, Forest Service	152,000
Total, Chapter 3:	
New budget (obligational) authority	363,821
Emergency appropriations	(100,000)
Contingent emergency appropriations	(263,821)
CHAPTER 4	
DEPARTMENT OF HEALTH AND HUMAN SERVICES	
Health Resources and Services Administration	
Health resources and services (contingent emergency appropriations)	3,000
Advance appropriation	20,000
Centers for Disease Control and Prevention	
Disease control, research, and training (contingent emergency appropriation)	12,000
(By transfer)	(460)

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Administration for Children and Families	
Low income home energy assistance (contingent emergency appropriations)	600,000
Payments to States for foster care and adoption assistance	35,000
Total, Administration for Children and Families	635,000
Office of the Secretary	
General departmental management (rescission of advance appropriations)	-20,000
Public health and social services emergency fund (contingent emergency appropriations)	31,200
Rescission	-43,200
Total, Office of the Secretary	-32,000
Total, Department of Health and Human Services	638,000
DEPARTMENT OF EDUCATION	
Higher education (contingent emergency appropriations)	750
Education research, statistics, and improvement (by transfer)	(368)
RELATED AGENCY	
Social Security Administration	
Limitation on administrative expenses: Trust funds (contingent emergency appropriations)	35,000
General Provisions	
Libby, Montana (contingent emergency appropriations) (sec. 2407)	11,500
Total, Chapter 4:	
New budget (obligational) authority	685,250
Appropriations	(35,000)
Rescissions	(-43,200)
Advance appropriations	(20,000)
Contingent emergency appropriations	(693,450)
Rescission of advance appropriations	(-20,000)
(By transfer)	(828)
CHAPTER 5	
CONGRESSIONAL OPERATIONS	
ARCHITECT OF THE CAPITOL	
Capitol Buildings and Grounds	
Capitol buildings, salaries and expenses (emergency appropriations)	7,039
Senate office buildings (emergency appropriations)	2,314
House office buildings (emergency appropriations)	4,213
Capitol power plant (emergency appropriations)	3
Total, Architect of the Capitol	13,569
OTHER AGENCIES	
BOTANIC GARDENS	
Salaries and expenses (emergency appropriations)	26
ARCHITECT OF THE CAPITOL	
Library Buildings and Grounds	
Structural and mechanical care (emergency appropriations)	3,885
Total, Chapter 5:	
New budget (obligational) authority	17,480
CHAPTER 6	
DEPARTMENT OF TRANSPORTATION	
Coast Guard	
Acquisition, construction, and improvements	45,000
Rescission	-11,400
Federal Aviation Administration	
Operations (Airport and Airway Trust Fund) (contingent emergency appropriations)	75,000
Total, Department of Transportation	108,600
RELATED AGENCY	
National Transportation Safety Board	
Salaries and expenses (emergency appropriations)	19,739
General Provisions	
Y2K funds, Department of Transportation (rescission of emergency appropriations) (sec. 2602)	-26,600
Office of the Assistant Secretary for Policy, Department of Transportation (contingent emergency appropriations) (sec. 2603)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2605)	2,000
Highway Trust Fund (contingent emergency appropriations) (sec. 2606)	3,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Highway Trust Fund (contingent emergency appropriations) (sec. 2607)	500
Highway Trust Fund (contingent emergency appropriations) (sec. 2608)	1,000
Total, Chapter 6:	
New budget (obligational) authority	110,239
Appropriations	(45,000)
Rescissions	(-11,400)
Emergency appropriations	(19,739)
Contingent emergency appropriations	(83,500)
Rescission of emergency appropriations	(-26,600)
CHAPTER 7	
DEPARTMENT OF THE TREASURY	
Departmental offices (contingent emergency appropriations)	24,900
Gifts to the United States for reduction of the public debt (contingent emergency appropriations)	.....
United States Secret Service:	
Salaries and expenses (contingent emergency appropriations)	10,000
Total, Department of the Treasury	34,900
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT	
Office of Administration (contingent emergency appropriations)	8,400
INDEPENDENT AGENCY	
General Services Administration	
Policy and operations (contingent emergency appropriations)	3,300
Total, Chapter 7:	
New budget (obligational) authority	46,600
CHAPTER 8	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
Community Planning and Development	
Community development block grants (contingent emergency appropriations)	27,500
HOME investment partnership program (contingent emergency appropriations)	36,000
Total, Community planning and development	63,500
Office of Inspector General	6,000
Rescission	-6,000
Total, Department of Housing and Urban Development	63,500
INDEPENDENT AGENCIES	
Corporation for National and Community Service	
National and community service programs operating expenses (rescission)	-1,000
Office of Inspector General	1,000
National Aeronautics and Space Administration	
Science, aeronautics and technology (contingent emergency appropriations)	1,500
Total, Chapter 8:	
New budget (obligational) authority	65,000
Appropriations	(7,000)
Rescissions	(-7,000)
Contingent emergency appropriations	(65,000)
CHAPTER 9	
GENERAL PROVISIONS - TITLE II	
District of Columbia Metropolitan Police Department (contingent emergency appropriations) (sec. 2901)	4,485
Total, title II:	
New budget (obligational) authority	1,847,807
Appropriations	(87,000)
Rescissions	(-61,600)
Advance appropriations	(20,000)
Emergency appropriations	(184,091)
Contingent emergency appropriations	(1,664,916)
Rescission of emergency appropriations	(-26,600)
Rescission of advance appropriations	(-20,000)
(By transfer)	(828)
(Loan authorizations)	(40,000)
TITLE III - COUNTERNARCOTICS	
CHAPTER 1	
DEPARTMENT OF DEFENSE - MILITARY	
Procurement	
Aircraft procurement, Army (contingent emergency appropriations)	30,000

DIVISION B - EMERGENCY SUPPLEMENTAL ACT, 2000 (H.R. 4425)—Continued
(Amounts in thousands)

	Conference
Other Department of Defense Programs	
Drug interdiction and counter-drug activities, Defense (emergency appropriations)	154,059
Total, Chapter 1:	
New budget (obligational) authority	184,059
Emergency appropriations	(154,059)
Contingent emergency appropriations	(30,000)
CHAPTER 2	
BILATERAL ECONOMIC ASSISTANCE	
Department of State	
Assistance for counternarcotics activities (contingent emergency appropriations)	1,018,500
CHAPTER 3	
DEPARTMENT OF DEFENSE - MILITARY	
MILITARY CONSTRUCTION	
Military construction, Defense-wide (contingent emergency appropriations)	116,523
Total, title III:	
New budget (obligational) authority	1,319,082
Emergency appropriations	(154,059)
Contingent emergency appropriations	(1,165,023)
TITLE V - GENERAL PROVISIONS, DIVISION B	
Repeal of military pay date shift (sec. 5102)	-23,000
Repeal of civilian pay date shift (sec. 5102)	-273,000
SSI benefits date shift (sec. 5105)	2,410,000
Repeal of VA benefits (sec. 5106)	1,832,000
Total, title V:	
New budget (obligational) authority	3,946,000
Total, Division B:	
New budget (obligational) authority	14,514,840
Appropriations	(4,352,700)
Rescissions	(-383,211)
Advance appropriations	(20,000)
Emergency appropriations	(6,845,664)
Contingent emergency appropriations	(3,726,287)
Rescission of emergency appropriations	(-26,600)
Rescission of advance appropriations	(-20,000)
(By transfer)	(10,470)
(Loan authorizations)	(40,000)

DIVISION C - CERRO GRANDE FIRE SUPPLEMENTAL (H.R. 4425)
(Amounts in thousands)

	Conference
DIVISION C - CERRO GRANDE FIRE	
TITLE I - CERRO GRANDE FIRE ASSISTANCE ACT	
Federal Emergency Management Agency	
Cerro Grande fire assistance claims office (contingent appropriations) (sec. 105(a))	45,000
Cerro Grande fire assistance (contingent emergency appropriations) (sec. 105(b))	455,000
Total, title I:	
New budget (obligational) authority	500,000
TITLE II - CERRO GRANDE FIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS	
DEPARTMENT OF AGRICULTURE	
Farm Service Agency	
Emergency conservation program (contingent emergency appropriations)	10,000
Natural Resources Conservation Service	
Watershed and flood prevention operations (contingent emergency appropriations)	4,000
Total, Department of Agriculture	14,000
DEPARTMENT OF ENERGY	
Atomic Energy Defense Activities	
Cerro Grande fire activities (contingent emergency appropriations)	138,000
DEPARTMENT OF THE INTERIOR	
Bureau of Indian Affairs	
Operation of Indian programs (contingent emergency appropriations)	8,982
Total, title II:	
New budget (obligational) authority	160,982
Total, Division C:	
New budget (obligational) authority	660,982

Mr. GILMAN. Mr. Speaker, I compliment all those who worked so hard to bring this Military Construction bill which contains an emergency antidrug aid package to the floor today. Passage of this bill affects every school, hospital, courtroom, neighborhood, in all of our communities throughout America.

This bill will provide sorely needed assistance to our allies in Colombia who are all on the front lines in the war against illegal drugs. The numbers have been shocking. Eighty percent of the cocaine, 75 percent of the heroin consumed in our Nation comes from Colombia. Illegal drugs have been costing our society more than $100 billion per year, costing also 15,000 young American lives each year.

As a result of inattention from the administration, the civil war in Colombia is going badly for that government. This past weekend alone, 26 antidrug police were killed by the narcoterrorists in Colombia. The specter of a consolidated narcostate only 3 hours by plane from Miami has made it patently clear that our Nation's vital security interests are at stake.

As the sun begins to set on his administration, President Clinton is finally facing the reality of the Colombian drug-fueled crisis with this emergency supplemental request. As former Supreme Court Justice Felix Frankfurter eloquently noted, and I quote, ''wisdom too often never comes, and so one ought not to reject it merely because it comes late.''

Heroes like Colombia's antidrug leader General Jose Serrano want our Nation to stand with them in their fight against the drug lords, including the right-wing paramilitaries. This legislation provides more assistance where it can do the most good with the Colombian antidrug police. Colombia is not asking for nor should we offer American troops in that war. Investing American aid dollars now in Colombia to stem the hundredfold cost to our society only makes common sense. It is a proper role for our government. We at the Federal level have the responsibility to help eradicate those drugs at their source.

Accordingly, I am urging our colleagues to support this package. Colombia's survival as a democracy and our own national security interests are at stake here.

Mr. CROWLEY. Mr. Speaker, I speak today to express my strong opposition to the back room deal that resulted in the FY 2000 Supplemental package being attached to the FY 2001 Military Construction Appropriations bill.

As with H.R. 3908, the original House version of the FY 2000 Supplemental Bill, a major concern of mine regarding this legislation is that no authorization language was passed to allow Members the opportunity to argue for funding for projects important to them. As a Member of the Committee on International Relations and the Representative of the largest Colombian-American community in the U.S., I wanted to be involved in the development of our policy on Colombia.

We should have developed a bill that would strike a balance between the needs of international concerns, such as Colombia, human rights and Kosova, and domestic spending priorities. I would have supported such a bill. Unfortunately, despite the passage of much improved legislation in the Senate; this bill does not appear to do that.

Mr. Speaker, I say appear because I have not had the opportunity to read the Conference Report on the FY 2000 Supplemental. The backroom deal that negotiated this legislation circumvented the normal appropriations process and brought it directly to the floor without providing Members the opportunity to read and digest the legislation. I find this very troubling. This legislation provides billions of U.S. taxpayer dollars without real Congressional oversight.

Additionally, as with the original House Supplemental, this legislation may also lack the necessary human rights conditions on our assistance to Colombia.

As with the first House Supplemental, the provisions in this legislation dealing with civil society programs are woefully under funded, especially when compared to the vast funding levels for counter-narcotics assistance.

Now, I will say that I have had the opportunity to review the funding levels in this legislation and I am happy about the modest increase for human rights and justice programs in Colombia and the region. In fact, these programs are funded at $29 million more than the President requested for a total of $122 million. This is a positive step, but a relatively small one when compared to the high level of military assistance for Colombia and the region.

Finally, on the Colombia portion, no money was included for domestic prevention and treatment. Interdiction plays a role, but it is next to useless without prevention and treatment programs. Demand will always find supply. I am sorry the Republican leadership will not acknowledge this simple truth.

As I said during the debate on the previous supplemental, I have met with Colombian leaders in Washington, D.C., in my Congressional District and in Colombia. I have traveled to Colombia and seen the need for U.S. assistance. I know the problems of the Colombian people and I am especially supportive of judicial reform efforts, but this supplemental is not going to provide the right kind of assistance.

Mr. Speaker, in addition to the Colombia portion of this Supplemental, I am also concerned that the President's request for Kosova was under funded by almost $334 million and that the Administration's request for debt relief funds for poor countries was not included at all.

I find the failure to include funding for debt relief for the Highly Indebted Poor Countries (HIPC) especially troubling because the international agreement on debt relief requires U.S. participation in order for other countries to contribute their pledges. At a time when many countries in Sub-Saharan Africa are facing an epidemic of biblical proportions with the AIDS crisis, failure to provide for debt relief is bad policy.

Mr. Speaker, I am glad that the Supplemental retained important provisions for the Low Income Heating and Energy Assistance Program (LIHEAP). I am also glad that it included $35 million for the Social Security Administration to respond to the increased workload resulting from the recent repeal of the Social Security earnings limit and $2 million for Commission on International Religious Freedom. However, this Supplemental and the backroom deal that brought it to the floor without a review period troubles me greatly.

Mr. Speaker, I urge my colleagues to oppose the supplemental and I request that the relevant committees be asked to deal with these funding increases through the normal budget process.

Mr. BENTSEN. Mr. Speaker, I rise in support of this Conference Report, which includes $8.8 billion for military construction and family housing for Fiscal Year 2001, while also providing $11.3 billion in supplemental appropriations for FY 2000.

I am particularly pleased that this Conference Report includes $10 million in military construction funding for the construction of an Air National Guard supply complex at Ellington Field in Texas, home of the 147th Fighter Group. The Base Supply and Civil Engineering Complex project was the number one FY 2001 funding priority for Ellington Field and the Texas Air National Guard. I am particularly pleased that this project obtained funding this year, as it was originally included in the Future Years Defense Plan for FY 2002. Since this project is of critical importance to the Air National Guard, I am grateful that my colleagues, including CHET EDWARDS in the House and KAY BAILEY HUTCHINSON in the Senate worked to include this critical project in the FY 2001 budget.

In recent years, the 147th Fighter Group has successfully converted from an Air Defense Mission to include a General Purpose Tasking. This new combined mission requires properly sized and adequately configured support complexes for the operations and training of the F–16 squadron and a 24-hour CONUS Air Defense Mission. The current facilities have substandard utilities, are inadequately sized, and require unnecessarily large amounts of operations and maintenance funds to operate. As the roles and missions for the Air National Guard grow, it is imperative that the Air Guard be provided with funding to construct and maintain facilities to meet these growing needs.

I am pleased that the funding levels contained in the FY 2001 Military Construction Conference Report will provide the 147th Fighter Group with the necessary facilities to successfully carry out its missions. As the Air National Guard is increasingly taking on the responsibilities of our nation's active duty forces, maintaining the quality of its operational facilities are critical. With approval of this Conference Report, Congress is helping to make the Air National Guard more mission-efficient and ready to serve.

I support the funding contained in this Conference Report, and I encourage my colleagues to vote for its passage.

Ms. SCHAKOWSKY. Mr. Speaker, when the House passes the Conference Report on H.R. 4425, the Military Construction Authorization bill, we will also be voting on a massive supplemental bill that has been attached. Unfortunately, members have not even been given the courtesy of an opportunity to review the contents of the conference report. So, we can not possibly know in detail what we are considering.

However, I do know that the Military Construction bill authorizes billions of dollars' worth of unnecessary, irresponsible, and dangerous equipment and programs. Two provisions included in this measure are particularly troubling to me.

The first is $60 billion for construction of national missile defense facilities in Alaska. I believe that the decision to go forward with construction for this plan is misguided, extremely premature, and actually risks the welfare of our nation. We have already spent billions of dollars on development of this system and it still has not been proven to work. I do not believe that it ever will. Leaders in the scientific

community and even the Pentagon's own experts have raised serious questions about NMD. Moreover, it is clear to me that moving forward with construction of this system will undermine diplomatic efforts to curb the threat of weapons of mass destruction to our nation. I believe that the United States should be investing in peace with at least as much vigor as we continue to fund our wasteful military agenda. I believe that the deployment of a national missile defense system will in fact bring this nation closer to war.

Another misguided, and extremely troubling provision in the legislation we are considering tonight is the more than $1 billion in aid for Colombia. I have spoken out against this plan on numerous occasions and I want to go on the record in strong opposition to this Colombian aid package tonight. If we really want to help the Colombian people, as I do, we should not be escalating military conflict in that nation. We should not be giving over $1 billion in military aid to a government with one of the worst human rights records in this hemisphere for a mission that promises to bring further suffering and violence to a country that has already endured so much.

I want to share with my colleagues a report by the Heartland Alliance that evaluates both the House bill as it relates to Colombia and the version passed by the other body and submit it in the RECORD. I believe the report is well done and commend it to the attention of all members. The text of the report follows:

Heartland Alliance's Midwest Immigrant & Human Rights Center Summary Response to Senate Bill and House Bill Relating to Aid to Colombia and Recommendations

I. Principles relating to aid to Colombia

1. Rather than focusing on the expressed aims of the Colombia government and armed forces, first and foremost U.S. aid should address the grave humanitarian needs of the hundreds of thousands of refugees and internally displaced persons as a result of forty years of civil war in Colombia.

2. Work against the consumption rather than the production of narcotics.

3. Develop and support viable, long-term agricultural alternatives to drug production rather than pursuing ineffective short-term measures such as crop destruction.

4. Suspend and/or condition aid packages to Colombia until an effective peace agreement between internal combatants is secured, thereby providing an incentive for peace rather than prolonging violence.

These principles define a clear role for the U.S. as a defender of peace, prosperity and human rights in the Americas rather than a supporter of impunity and armed conflict.

II. Senate bill S. 2522

A. Evaluations

1. Demobilization and rehabilitation of child soldiers.

2. Conditions on the aid: certifications from the Department of State regarding the following areas:

a. Investigation, prosecution, and adjudication of Colombian Armed Forces personnel by civilian courts in cases of human rights violations;

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights;

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in the investigation, prosecution and punishment of members of the armed forces for human rights violations;

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.

3. Consultative process between the Department of State and human rights organizations.

B. Recommendations

1. Support child soldier aid.

2. Establish adequate monitoring procedures that effectively ensure:

a. The investigation and prosecution of human rights violators in the military;

b. The suspension of military personnel involved in violations of human rights;

c. The cooperation of military personnel with civilian authorities and courts and;

d. The investigation, prosecution and punishment of members and leaders of the paramilitary and military personnel aiding or abetting such groups.

3. Establish a formal consultative process with clear monitoring procedures between the Department of State and human rights organizations.

III. House bill H.R. 3908

A. Evaluations

1. Limitations on the use of helicopters

2. Assistance to internally displaced persons

3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces

4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations

5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens

6. Presidential waiver power on the conditions on military assistance

B. Recommendations

1. Direct aid to support and improve the investigation capabilities of the Prosecutor General in Colombia

2. Create the physical and technical capability for the U.S. to systematically monitor the effects of the aid

3. Support the aid for internally displaced persons

4. Eliminate presidential waiver power, which may contribute to the escalation of the conflict and ignores the monitoring functions of the U.S.

I. Senate Bill S. 2522

1. Demobilization and rehabilitation of child soldiers.—The Senate Bill includes a provision that no less than $5,000,000 shall be made available for demobilizing and rehabilitating activities for child soldiers.

This is an important issue considering that both guerrillas and paramilitary forces voluntarily and forcibly recruit minors. Furthermore, it is important to insist that the government should not voluntarily recruit minors, as it does presently in spite of various public announcements and actions.

2. Conditions on the aid: certification by the Department of State.—The Senate Bill conditions the disbursement of aid to certification from the Department of State. The detailed and specific conditions of the Senate Bill need to be outlined, and the following considerations need to be applied.

a. Investigation, prosecution and adjudication of Colombian Armed Forces personnel by civilian courts in cases of human rights violations.—The Senate Bill requires a statement from the President of Colombia to the Secretary of State that members of the Colombian Armed Forces personnel who are alleged to have committed human rights violations will be brought to civilian courts in accordance with the 1997 ruling of Colombia's Constitutional Court.

However, a recently adopted Military Penal Code will enter into force as soon as a statutory law on the administrative structure for the military courts is adopted. This new code did not take into account all the elements established on the aforementioned decision of the Constitutional Court, specifically in relation to the concept of ''service-related crimes''. Concretely, the only crimes expressly excluded are torture, genocide and forced disappearance. Other human rights violations, international humanitarian law breaches, and common crimes such as rape will be brought to the military courts. Additionally, obeying orders can be argued to avoid responsibility.

b. Suspension of members of the Colombian Armed Forces who are alleged to have committed violations of human rights.—The Senate Bill establishes that the Department of State should certify that the Commander General of the Colombian Armed Forces is promptly suspending from duty any armed forces personnel who are alleged to have committed violations of human rights or to have aided or abetted paramilitary groups.

It is important to establish the meaning and effect of such suspension. Presently such suspension has no punitive effects.

c. Full cooperation of Colombian Armed Forces with civilian authorities and courts in investigation, prosecution and punishment of members of the armed forces for human rights violations.—The Senate Bill requires a certification that the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting and punishing in the civilian courts, members of the Armed Forces who are alleged to have committed violations of human rights.

Even though the general idea of such a requirement is positive it is necessary to make it as concrete as possible so that more than a general statement, it would require individual cases to be examined and aid conditioned accordingly.

d. Prosecution of leaders and members of the paramilitary groups and members of the Colombian Armed Forces aiding or abetting such groups.—The last certification requirement refers to the prosecution of leaders and members of paramilitary groups and members of the Colombian Armed Forces who are aiding or abetting such groups.

Again, more than a general statement is required for effective enforcement. Evidence should be submitted to Congress demonstrating that effective actions are being carried out and that the impunity described in the U.S. Department of State Country Report has been overturned.

3. Consultative process between the Department of State and human rights organizations.—The consultative process between the Department of State and human rights organizations is a positive aspect of the Senate Bill. It acknowledges the experience and professionalism of these organizations and also contributes to improving the human rights information in a country in which the United States is investing a considerable amount of resources.

It can be concluded that a certification from the President of Colombia to the Department of State is not a sufficient condition. It is essential that adequate monitoring procedures be established to effectively determine that U.S. aid is not contributing to or sustaining human rights violations.

Conditions placed on the aid could compel the Colombian authorities and armed forces to respect and protect human rights. The creation of a formalized consultative process would contribute to the production of reliable and complete reports on a complex country enmeshed in an internal armed conflict.

II. House bill H.R. 3908

1. Limitations on the use of helicopters.—The House Bill specifically conditions that helicopters only be utilized by the Colombian National Police for counter-narcotics operations in southern Colombia.

The Senate Bill, regrettably, does not establish any limitations on the use of the helicopters. This is a positive aspect in the sense that the helicopters would not be used for the general development of the armed conflict but exclusively for counter-narcotics operations.

2. Assistance to internally displaced persons.—The House Bill specifically indicates that not less than $50,000,000 of the funds appropriated, shall be made available for assistance for internally displaced persons in Colombia.

No specific mention of internally displaced persons is mentioned by the Senate Bill, in spite of the considerable number of victims, as mentioned above, and their special vulnerability as victims of complex and continuous human rights violations.

3. Humanitarian training and support for investigations on human rights violations by the Colombian Armed Forces.—The House Bill establishes that up to $1,500,000 shall be made available to provide comprehensive humanitarian law training and to support the development of a judge advocate general to investigate human rights violations by Colombian Armed Forces.

The Senate Bill, regrettably, does not include such important provisions.

4. Enhancement of U.S. Embassy capabilities to monitor the assistance and to investigate human rights violations.—The House Bill establishes that up to $250,000 shall be made available to enhance the U.S. Embassy's capabilities to monitor U.S. assistance to the Colombian Armed Forces and to investigate reports of human rights violations related to such assistance.

These resources would be particularly useful to train U.S. officials and to develop the capacity to fund specific evidentiary tests through a joint program with the Colombian judiciary.

5. Monitoring actions of the guerrilla groups and the paramilitary groups against U.S. citizens.—An equal amount of funding is established to monitor the actions of the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN) and the United Colombian Self-Defense Organization (AUC) relative to criminal actions against U.S. citizens.

In summary, the House of Representatives was expressly concerned with obtaining reliable information on Colombia. The Senate disregarded these initiatives and supported a certification procedure.

The House Bill provides for the possibility to use aid to support and improve the investigation capabilities of the Prosecutor General's Office in Colombia. Empowering Colombian judicial authorities to prosecute cases of human rights violations would contribute to a general improvement in the human rights situation in Colombia.

An effective monitoring procedure would contribute to providing the U.S. Congress with tools to evaluate the impact and effect of the U.S. aid in Colombia.

Moreover, restrictions on the use of military equipment would help to ensure that U.S. aid is for anti-narcotics purposes and not to foment civil conflict or arbitrary violence. Finally, establishing a minimum amount of aid for internationally displaced persons would help to mitigate the adverse effects of the aid package on many different social groups in Colombia, particularly those who have been forcibly displaced.

6. Presidential waiver power on the conditions on military assistance.—An especially negative aspect of the House bill is endowing the U.S. President with waiver power regarding the conditions of military assistance.

Such a waiver weakens the conditions established by the House of Representatives, which are more vague than those contained in the Senate Bill.

We hope that you find this information useful and if you have further questions, concerns or would like to further discuss these issues, we will be more than happy to meet with you, or your staff or to draft any documents regarding U.S. aid to Colombia.

Thank you again for your concern and interest on this important issue.

MARY MEG MCCARTHY,
Director, Midwest Immigrant & Human Rights Center.
HELENA OLEA,
Legal intern.

Mr. UDALL of Colorado. Mr. Speaker, I rise to express my opposition to this conference report. I cannot approve of the process that has brought us to this point or of the result. A good bill was hijacked to produce what I think is a problematic package.

This is called a conference report on the military construction bill. But in reality it is much more, and includes both money for many other purposes and provisions dealing with other subjects. And we are considering it without anyone except the conferees having even had a chance to review its contents.

I supported the Military Construction Appropriations bill when we considered it on the floor in May. I supported it because it funds military construction projects, family housing, base realignment, environmental cleanup, and other programs. I supported it in particular because it funds a number of important projects for Colorado, namely funds for a training site at Fort Carson, for a munitions storage and maintenance site at Buckley Air National Guard Air Force Base, and for upgrading facilities at Peterson Air Force Base.

If that were all that was in this conference report, I could support it as well.

However, this conference report also includes many items that were originally part of a separate measure, a supplemental appropriations bill for the current fiscal year.

As I noted when the House originally considered that bill, there are other good things in it that I support. For example, some parts of the bill truly concern ''emergencies''—funding to help low-income families cope with sharply rising home heating oil bills; funding to repair damaged roads and bridges and to develop affordable housing for those dislocated by recent floods, tornadoes, and other natural disasters; disaster loans for small businesses, farm aid, and rural economic and community development grants to meet needs arising from natural disasters. These are all important and worthwhile and appropriate purposes for an ''emergency'' spending bill. Also important is funding that the bill provides for NASA's Space Shuttle upgrades, security at our nation's three nuclear weapons laboratories, and funds to accelerate environmental cleanup of DOE facilities.

But these good things are far outweighed by what I consider to be some very problematic provisions.

One of the most troublesome is the ''anti-drug'' package for Colombia. I don't doubt the magnitude of the problem that the proposal attempts to address. Indeed, there is much cause for alarm. Colombia produces 80 percent of the world's cocaine and about two-thirds of the heroin consumed in this country, and new estimates show that cocaine production in Colombia is up 126 percent in the last five years. That said, I am not convinced that a costly military approach is the best response to the problem. I believe we should be considering other ways to address the source of the problem—the U.S. demand for drugs—by funding additional treatment and education programs right here at home.

There is very little about the Colombia package that has been shown to merit our support. Think for a moment about the dismal human rights record of the Colombian military. The military would itself be the recipient of the billions of dollars in U.S. aid. Human rights organizations have linked right-wing paramilitary groups to the Colombian military and to drug trafficking and atrocities against civilians. How can we be content to pass a bill that could well make this situation worse?

We should also think about the lack of clear objectives for this program. There is no ''exit'' strategy spelled out. There is no way to ensure farmers won't resume cultivating drug crops once this billion-dollar assistance package dries up. None of these questions about the long-term goals for this program have been adequately answered. Still, we're being asked to support a program that could draw U.S. troops into a protracted counter-insurgency struggle—and one that may ultimately have little effect on the drug trade.

In addition, the conference report reportedly includes at least one anti-environmental rider that would block EPA from taking certain actions to enforce the Clean Water Act—and there may be more. I would have problems with that even if we had had a chance to review the language before voting. Since we can't even do that, I have no choice but to oppose the conference report for that reason as well.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of the conference report on the Military Construction Appropriations bill.

This important legislation contains critically necessary relief assistance to North Carolina's victims of Hurricane Floyd. I want to thank Chairman YOUNG and Ranking Member OBEY for their leadership in securing these funds to help in the recovery effort from this devastating storm.

Hurricane Floyd ripped into my State last September with rains of historic proportion. The massive flooding that resulted was of a magnitude not seen since before Christopher Columbus landed in the New World.

Most folks think of a hurricane as winds ripping into beach houses. But Floyd's greatest damage occurred some 150 miles inland from the coast. Last September we endured the most devastating storm in my State's history.

Three months ago, this House passed a supplemental appropriations bill to aid Floyd's victims. Earlier this month, another hurricane season began with predictions of more destruction to come.

Mr. Speaker, I thank my colleagues for helping my constituents, many of whom are still in travel trailers. I urge support for this bill.

Mr. COSTELLO. Mr. Speaker, I rise today in strong opposition to the Military Construction Appropriations for Fiscal Year 2001 and the Emergency Supplemental bill.

I supported the Military Construction Appropriation's bill when it came to the House floor

for a vote last month and would have supported the bill again had the Republican leadership followed traditional procedures and allowed the two bills to be considered separately.

Mr. Speaker, I am opposed to giving the Colombian Government use of our military, supplies and additional cash reserves rather than using these funds for a number of important domestic programs. At a time when the Leadership of this Congress is proposing to eliminate funding for the Summer Youth Program, which allow tens of thousands of kids job opportunities in our home communities, this Congress is providing $1.3 billion to the Colombian Government for anti-drug efforts. A better solution would be to give additional funds to local law enforcement officials to fight drugs in our communities and to our border patrol to stop drugs from coming into our country.

I urge my colleagues to oppose this misuse of allocations included in the Emergency Supplemental bill. Vote no on final passage.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the vote on the motion to suspend the rules and agree to H. Res. 535 immediately following the vote on final passage will be 5 minutes.

The vote was taken by electronic device, and there were—yeas 306, nays 110, not voting 19, as follows:

[Roll No. 362]

YEAS—306

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Dreier
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Pickering
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—110

Abercrombie
Ackerman
Baird
Baldwin
Barrett (WI)
Barton
Blumenauer
Boswell
Boyd
Brady (TX)
Brown (OH)
Campbell
Capuano
Chabot
Chenoweth-Hage
Coburn
Combest
Conyers
Costello
Cox
Coyne
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeMint
Deutsch
Doggett
Doolittle
Duncan
Dunn
Ehlers
Eshoo
Frank (MA)
Ganske
Gekas
Goode
Goodlatte
Green (WI)
Gutierrez
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hoekstra
Hostettler
Hulshof
Jackson (IL)
Kaptur
Kasich
Kind (WI)
Kingston
Kleczka
Kucinich
Largent
Lee
Lewis (GA)
Lofgren
Luther
Manzullo
McDermott
McKinney
Meehan
Miller, George
Minge
Moran (KS)
Nadler
Nussle
Owens
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pitts
Pombo
Porter
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sanford
Schakowsky
Sensenbrenner
Shadegg
Slaughter
Smith (MI)
Stark
Terry
Thurman
Tierney
Towns
Udall (CO)
Upton
Velazquez
Visclosky
Wexler
Wicker
Woolsey
Wu

NOT VOTING—19

Bishop
Canady
Clay
Cook
Ewing
Filner
Hastings (WA)
Jones (OH)
Klink
Lazio
Markey
Martinez
McIntosh
McNulty
Mollohan
Shuster
Strickland
Vento
Wynn

☐ 2042

Ms. MCKINNEY, and Messrs. TERRY, PHELPS, OWENS, COX, GANSKE and SMITH of Michigan changed their vote from ''yea'' to ''nay.''

Mrs. MEEK of Florida, and Messrs. HALL of Texas, TOOMEY, SUNUNU, SERRANO and PASTOR changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CANADY of Florida. Mr. Speaker, on rollcall No. 362, I was unavoidably detained and did not cast a vote. Had I been present, I would have voted "yea."

SENSE OF HOUSE CONCERNING USE OF ADDITIONAL PROJECTED SURPLUS FUNDS TO SUPPLEMENT MEDICARE FUNDING

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 535.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and agree to the resolution, H. Res. 535, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 8, not voting 22, as follows:

[Roll No. 363]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin

Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—8

Cannon
Ehlers
Frank (MA)
Paul
Rangel
Sanford
Stark
Towns

NOT VOTING—22

Bishop
Clay
Conyers
Cook
Filner
Goodling
Hastings (WA)
Jones (OH)
Kleczka
Klink
Lazio
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Strickland
Taylor (NC)
Vento
Watt (NC)
Wynn

□ 2050

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1304

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1304.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman's statement will be in the RECORD, but because the bill is reported, his name cannot be removed from the bill at this time.

PROVIDING FOR CONSIDERATION OF H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 542 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 542

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole on the state of the Union for consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report 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 division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a fair and appropriately structured rule for debate on this matter. We have made six amendments in order on a bipartisan basis. These amendments cover a full range of topics concerned with the underlying bill.

The Committee on Rules has clearly erred on the side of inclusion to ensure a full, yet I believe efficient debate on this very important subject, which has caught the attention of Members.

We are here today because doctors have become disillusioned with some aspects of our modern healthcare delivery system. They rightly assert that some HMOs are interfering too much in the doctor-patient relationship undermining their ability to effectively do their job. Their complaints are understandable, and they do need to be addressed.

H.R. 1304 seeks to level the playing field between insurers and doctors. While HMOs should not be able to dictate to physicians because of their size, it is equally wrong for doctors to

collude and force the hand of insurers and employers. If we get it wrong, the end result could be higher health care prices and more uninsured Americans without improving patient quality of care which concerns all of us.

Those are the things we need to avoid, so we have to get it right. We have to find the correct balance, and this rule fairly provides for meaningful debate on how to proceed.

H.R. 1304 is a simple, straightforward bill. It proposes to give doctors and other health care professionals a limited exemption from antitrust laws when bargaining with health plans conferring on them the same rights afforded to unions operated under the National Labor Relations Act.

But based on testimony from some colleagues, there may be a hitch, unlike traditional unions, these doctor cartels, as they are called, would exist without any real regulatory oversight.

□ 2100

Doctors could refuse to negotiate in good faith and even engage in selective boycotts. Obviously, this is a problem that needs a remedy. We all know that Congress does have a role in curtailing HMO abuse. I am very proud to be one of many House Members and Senators who have been serving on the conference, working on a bipartisan basis, to finalize the details of the Patient's Bill of Rights. But while we still have some work to do on it, it is no secret that we are pretty well agreed to the need for an independent, binding review process where doctors' decisions will be evaluated by other physicians. In other words, meaningful and appropriate oversight.

We also understand that HMOs should be held accountable when they interfere in the doctor-patient relationship and harm occurs. But as encouraged as I am by this, I have reservations about H.R. 1304. It appears to be a necessary, simple solution to a tough problem, but as a wide range of experts have stated from the Congressional Budget Office to the Federal Trade Commission, the costs could outweigh any potential benefits. In fact, the CBO's projection put the cost at well over $3 billion over 10 years, not an insignificant amount of money, even around here; and that is worrisome to me.

I am hopeful that my colleagues will support this rule so that we can get on with deliberation of these and other issues and weigh the potential costs and benefits. That is, after all, why we are here and what a deliberative body does. America's doctors and patients do deserve relief from bad HMOs. Indeed, Congress is addressing HMO reform in a tough and serious manner; I am a firsthand witness to that. The gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) and some others urge that H.R. 1304 is the right direction we should pursue as part of congressional consideration. As our colleagues, they deserve respect for bringing this forward, and I urge a yes vote on this fair rule and look forward to a fair exchange on the underlying bill after everybody has the chance to hear all sides. However, we do not get that chance if we do not approve this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Florida for yielding me this time.

This is a restricted rule. It will allow for the consideration of H.R. 1304, which is the Quality Health Care Coalition Act. As my colleague from Florida has explained, this rule provides for 1 hour of general debate. It will be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule makes in order only six amendments. No other amendment may be offered.

This bill provides limited antitrust exemptions for doctors who negotiate contracts with health plans and insurance companies. Other workers enjoy a similar exemption under collective bargaining laws.

In recent years, health maintenance organizations and insurance companies, not doctors, have dictated the terms of health care for most Americans. Antitrust laws have prevented doctors from organizing to counterbalance the influence of the health care managers. Many people believe that this legislation is needed now more than ever because growth and consolidations among the HMOs and the insurance companies have only increased the bargaining power of the health care industry against the doctors. Obviously, the purpose of the bill is to swing the balance of power back in favor of the doctors.

The House sometimes uses restrictive rules like this, but it should only do it in sparing ways. However, as with some bills reported from the Committee on the Judiciary, it can be appropriate in the case to limit amendments. The few amendments that may be offered will give opponents of the current bill an opportunity to further debate and perfect it.

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

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from California (Mr. CAMPBELL), the author on this side.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman from Florida for all of his kindness and hard work in this field.

I wish to say that the rule is critical. The rule is critical. There will be no other means to address H.R. 1304. To those who have sponsored this bill, and I have a list of all of them, please, if they think that they might vote against the rule but have a chance to vote for the bill again, they are wrong. It is not going to come back. So this is the issue, this is the moment, this is the time to vote in favor of patients if we believe that they are not being adequately taken care of under today's medical system, because there is not a balance between the doctors and the HMOs.

The focus of the controversy is on the amendment by the gentleman from Oklahoma (Mr. COBURN). I understand that there is concern that his amendment was made in order, but the second degree amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not.

Let me address this directly. I have a 100 percent pro-choice voting record. I am second to none in my support of a woman's right to choose. My record stands for that. The Coburn amendment says, ''Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services.''

Whereas I would not have singled out abortion, I would not have treated this in any manner different than any other medical procedure, I emphasize to my colleagues that the Coburn amendment is a null set. There is no evidence of any health care plan, any HMO, requiring doctors to perform abortion or abortion services. I draw to the attention of all of the cosponsors of this bill that the amendment by the gentleman from Oklahoma (Mr. COBURN) uses the word ''requiring,'' not ''permitting.''

This amendment, in other words, is, in my judgment, an effort to introduce the topic of abortion into an area where it has no place. It is not a substantive amendment. Mr. Speaker, let me repeat, it deals with a case that has not been shown to exist—where an HMO requires a doctor to perform an abortion.

In conclusion, the gentleman from Florida (Mr. GOSS) noted two things with which I would like to take respectful disagreement. First of all, the concern he expressed for a boycott was addressed by an amendment by the gentleman from New York (Mr. NADLER), accepted in the Committee on the Judiciary, so that a boycott is not possible under this bill. Secondly, the cost estimate that the vice chairman of the Committee on Rules gave was for 10 years, but we adopted a 3-year sunset for the bill, so the cost is substantially less, actually, it's less than one third of the cost that the gentleman from Florida estimated.

With that, I conclude with one last request. For those who care about this bill, for those who care about the 3½ years those of us have put into it, this is the moment. Do not let the rule keep us from the merits of this bill. It is not a perfect rule. I did not wish everything to go into it that has, but we will have no other chance.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Speaker, I rise in opposition to the rule on H.R. 1304.

I rise in opposition primarily because I think it is irresponsible for us to exempt this legislation from the budget

rules, and this bill I think clearly violates the budget rules.

Mr. Speaker, the original bill was scored by CBO as costing in excess of $11 billion. Even with the modifications that were added in the Committee on the Judiciary, it is still estimated to have significant cost in reduced Federal tax revenues of almost $11 billion if this was made permanent for the 10-year period. Obviously, it would be less if it only survives for the 3-year sunset period.

But it also is projected to have costs not only to the government in terms of increased cost to Medicare, Medicaid, and the Federal employee health benefit plans, but it is also estimated to cost consumers, as we will see an increase in health care premiums as a result of this, which are estimated to be on average of almost 2 percent by the third year of the enactment of this bill.

If we are going to maintain consistency with the budget rules that are to guide the legislation in this House, we should not exempt this legislation. We should not exempt legislation that is going to have budgetary impacts in the billions of dollars. I think anyone that prides themselves on being a fiscal conservative should not support this rule; they should send this bill back to the Committee on Rules where we will have the opportunity to bring this bill up when we can give adequate consideration to the fiscal and the revenue impacts they will have to the Federal Government and to the taxpayers of America.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I want to, first of all, say that as a practicing physician I am extremely frustrated with the position physicians are placed in in this country in not being able to make decisions to care for their patients. I think the problem that the gentleman from California (Mr. CAMPBELL) is trying to address with this bill is a real problem, but I think this is the wrong fix. I do want to take exception to what he said about the position as to certain organizations wanting to require people to have to perform abortion services or to offer them. In his own State, in the California legislature this year, by a very narrow margin, a bill that would have forced Catholic hospitals in his own State was offered and barely defeated. It is the position of the California Medical Association that, in fact, that be the policy in California. That position was offered in the House of Delegates at the AMA this year.

So to claim that this is not an intent is not true; it is an intent in the long run to limit the conscious objection of health care providers and the hospitals to not provide abortion services.

I am leaving this House at the end of this session, and I will be in practice; and I will tell my colleagues that if the Campbell bill becomes law, I will utilize it vigorously. But it will not be, in the long term, the best thing for medicine. Because the prices would rise exorbitantly; and after that has happened, then the focus of the health care problems that we have in the country then will be on the doctors, and we are not the ones to blame. But through our frustration, through the lack of fees to keep pace, through our inability to care for our patients, we are bound to do the wrong thing.

So I adamantly oppose the Campbell bill. I was originally a cosponsor of this bill, and my first thought was, I thought this was a good idea. Thinking through of what I want the profession of medicine to be 10 years from now, I think this is a terrible bill. I think the rule is fair.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN).

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

Mr. BENTSEN. Mr. Speaker, I want to talk about the rule. I am not going to talk about the underlying bill, except what the rule provides for in the underlying bill.

It is interesting what a difference a day makes. We have a rule before us today that waives all points of order against the bill pursuant to the budget resolution, because the underlying bill would exceed the discretionary spending caps in the fiscal year 2001 budget resolution. In addition, it would violate the pay-go rules per the fiscal year 2001 budget resolution.

Now, why is that so significant in this context? It is significant because yesterday, Democrats were told and, in fact, a number of Republicans as it turned out, were told that we could not offer a broad-based, voluntary, universal prescription drug program under Medicare because the fiscal year 2001 budget resolution did not provide for it. But today, barely 24 hours later, as I and others predicted, the Republican leadership has decided that the paper that the budget resolution is written on is not worth very much.

So, we have before us a rule that shows the true hypocrisy of the Republican leadership when it comes to the question of providing true prescription, affordable prescription drug coverage for America's senior citizens. That is what this rule tells us today. We can debate the underlying bill later; but the sad fact of it is, there was a sham put upon the American people yesterday, 39 million senior citizens, under some phoney rule about what could be considered in the House and, today, we have thrown that out the window with a rule that waives points of order regarding the budget resolution. I think that is a real shame, and I would imagine that our friends will have something to answer about come this fall.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I thank the gentleman for yielding me this time.

First, I would like to say antitrust exemption will not improve health care quality at all. Proponents of this bill say that it will level the playing field between doctors and health plans. But what happens to the consumer when the providers get together and collectively negotiate with insurers?

□ 2115

Although such behavior violates Federal and State law, it is not at all that unusual. Federal antitrust regulators have dealt with more than 50 such cases over the past number of years, and none of these cases, not one, involved collective efforts to improve the health care quality. Every case involved efforts by the providers to raise their fees to anticompetitive levels at the expense of the consumers, employers, and taxpayers who finance programs for seniors, the disabled and the poor.

Testifying before the Committee on the Judiciary last year, Assistant Attorney General of the Department of Justice Antitrust Division Joel Klein stated:

''Our history of investigations, including our recent cases against two federations of competing doctors involving group boycots and price-fixing conspiracies, leads us to have concerns because the proposed bill provides no assurance that health care professionals would direct their collective negotiating efforts to improving quality of care, rather than their own financial circumstances.''

Klein went on to cite a case in which ''Twenty-nine otherwise competing surgeons who made up the vast majority of general and vascular surgeons with operating privileges at five hospitals in Tampa formed a corporation solely for the purpose of negotiating jointly with managed care plans to obtain higher fees. Their strategy was a success. Each of the 29 surgeons gained, on average, over $14,000 in annual revenues in just the few months of joint negotiations before they learned that the Antitrust Division was investigating the conduct. The participants in that scheme did not take any collective action that improved the quality of care.''

This case is typical of what happens when physicians illegally engage in collective negotiations with health care plans.

In April of this year, the Federal Trade Commission announced a settlement with a group of surgeons in Austin, Texas, who used collective negotiations with health plans to win handsome increases in their fees. If we were to pass H.R. 1304, the antitrust exemption would make all of what I just read legal, it is now illegal, and with no oversight at all. At least labor unions must obey the NLRB.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I wish all of us could be honest. This rule is maybe the most disingenuous rule I have seen in my 8 years in the United States Congress.

The fact that this rule allows the Coburn amendment on the bill is a convoluted attempt to, I do not know, kill the bill, or put the Democrats in a politically disadvantageous position.

The vast majority of Democrats who are pro-choice, and the majority of Democrats who support this bill, have a Hobson's choice under this rule. If the rule is passed, and then the Coburn amendment with similar things that have passed this floor is then on the bill, then where do Democrats vote?

The reality is that the Coburn amendment is an awful amendment from a policy perspective. It is a gag rule. Let me read what the American College of Obstetricians and Surgeons said about it: ''We must pass a bill that allows health providers to effectively advocate for the care of their patients, not gag providers in an attempt to limit women's access to needed reproductive health services.''

This is a gag rule. It is incredible, the scope of it. It would prevent those physicians who benefit from the Campbell rule from even talking to providers about providing reproductive or family planning services, a complete ban. They could not even talk about that in terms of their negotiation. It is an extremely large attempt to limit women's choices in America.

For the Members, and again, I know this has been a very difficult afternoon for many Members as they have looked at it, because there are many Members who are cosponsors of this; again, a majority of Democrats who want to see changes in health care, who support what the gentleman from California (Mr. CAMPBELL) is trying to do.

But the leadership on the Republican side has created this disingenuous rule. If the rule is defeated, which I urge its defeat, if the rule is defeated the choice clearly falls upon those who created the rule, which is the majority, the Republican leadership.

I urge the gentleman from California (Mr. CAMPBELL) to once again threaten to leave this Congress if his leadership does not give him a true rule and a true vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, this House is demonstrating that it cannot competently and fairly deal with difficult health policy questions. Reference yesterday, a long, contentious day debating one of the most important issues before this country: whether we can give our seniors prescription drug coverage.

All of that debate and much of the venom generated within that debate concerned an unfair rule cooked up in the Committee on Rules at 2:30 in the morning the morning of the debate. I guess it was not the last bad rule we were going to see on important health policy coming out of the Committee on Rules this week.

So here we are, late in an absolutely exhausting week, considering another vital health policy question under another unfair rule.

Take, for example, the issue of allowing the Coburn amendment and striking the Greenwood amendment. I do not care whether within this body Members are pro-choice, whether they are pro-life, or anywhere in between. The fact of the matter is to allow one side their amendment and not allow the other side their amendment is unfair and speaks to what a skewed, unfortunate rule this is that brings this bill to the floor.

That is not the end of the problems within this bill. Allowing physician collusion on fee structures has obvious consequences for Medicare that pays the bills, for Medicaid. But Members do not see any offsets. We do not see any pay-fors in this legislation. There would surely be a budget point of order that could be raised against this bill, but guess what, they shred the budget rules and waive all points of order. Do not even think about trying to point out that we are spending money we have not offset in the Federal budget, it is waived under this rule.

Mr. Speaker, the Committee on the Judiciary has ruled on this bill, but the Committee on Commerce has not ruled, the Committee on Ways and Means has not ruled. This is an unfair rule. It should be voted down.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, the Republican leadership is truly offering us a Hobson's choice here. I am a cosponsor of this bill and proud to be one, but I am standing here to urge defeat of this rule because of the Coburn amendment.

The Coburn amendment could gag physicians and other providers in two ways. First, providers who have a medical and ethical responsibility to promote the well-being of their patients could be unable to advocate with health plans on their patient's behalf for comprehensive reproductive health care.

Second, providers could not negotiate against any onerous restrictions that appear in their contracts.

Why did the Republican leadership do this? They did this because they know pro-choice Members like myself, who also are cosponsors of the bill, will never support legislation with provisions that could be construed as gag rules.

The gentleman from Pennsylvania (Mr. GREENWOOD) was denied the opportunity to offer a second degree amendment that would have clarified and improved the bill. Was this allowed? No, it was not. Tragically, we have to defeat this rule. We have to send it back, and we have to say, let us pass a bill that is free of poison pills.

We have sadly, in my view, reached a point in this Congress where virtually no health care legislation can be passed. The Committee on Commerce, on which I sit, has repeatedly failed to mark anything up, including a children's health bill, because of repeated and ill-fated efforts to impose abortion language.

The National Institutes of Health has not been reauthorized for years because of the threat of anti-abortion riders. We have reached a virtual gridlock over abortion riders in every form imaginable. The American public needs to know this, and they need to know how wrong it is.

So let us defeat this bill. Let us send it back to the Committee on Rules. Let us write a clean bill. Let us allow the Greenwood amendment to go forward, and let us pass legislation that will allow doctors to organize, just as my colleague, the gentleman from California (Mr. CAMPBELL), wants to have happen.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to my colleague and friend, the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, tonight I rise in strong support of the rule and even stronger support for the bill of the gentleman from California, H.R. 1304. I do so as a strong advocate of market-related solutions to meet many of today's challenges. This is a market-based solution.

Ours is a multi-layered system of competing interests and checks and balances. America's health care is part of that system, but yet, it is an area today where we see justified concern and even perhaps alarm.

Our citizens feel out of control. The HMO revolution that brought costs under control has brought with it new problems and new complications and new frustrations. New checks and balances have not emerged to see that the power vested in this new power, the HMOs, the new power that is vested in them and the authority that they have is not abused or that the cost controls do not go too far.

The gentleman from California (Mr. CAMPBELL) is, as I said, offering a market-based approach to this challenge, instead of just strengthening government or putting new regulations in place. H.R. 1304 empowers health care professionals to balance the new power of the business managers who make policy decisions for America's health care, health care that is so vital to our families and the American people.

Doctors should be able to act together as a unit if they choose to do so, just as investors, managers, and other voluntary associates join together to form HMOs and other businesses.

The Campbell bill would result in a new balance that will well serve the families and people of our country. This system of competing interests has worked very well in other industries. It has worked to make us the most effective system in the world at providing

good care and good products for our people, services for people. It can work in the health care industry, as well.

The gentleman from California (Mr. CAMPBELL) is to be applauded for his creativity and his innovative approach. Rather than just trying to offer simplistic answers of giving more regulations or having more government that costs money, he is empowering people to do a better job and to work together to provide health care for America.

Let us make sure that we use the power of the market. Let us make sure we use voluntary association, just as we have in every other industry, to provide quality health care to our people, and health care that we can ensure will not be abused because there is too much power just in the hands of the managers. This is true in every other industry, it will be true in health care as well.

I rise in strong support of the rule and the Campbell amendment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise with great reluctance in opposition to this rule. I say ''reluctance'' because I do support the bill. We need to strengthen the ability of physicians to be effective advocates for the health care needs of their patients.

However, by choosing once again to bring legislation to this floor that attempts to limit a woman's right to choose, the Committee on Rules has undermined the spirit of this legislation. This bill seeks to assure patient safety and increase the quality of health care by allowing physicians to collectively have a greater say in negotiations on the terms of a health plan.

The intent is to clearly empower physicians in their relationship with HMO administrators, some of whom attempt sometimes to put profits over patient care when making decisions about medical care.

Mr. Speaker, reproductive health services are an essential component of primary care for women. To my male colleagues, I say this again, gentlemen, reproductive health services are an essential component of primary care for women.

Although this amendment has been framed as a conscience clause for religious health care entities, it does in fact prevent physicians, regardless of their religion, from even mentioning abortion in their negotiations with health plans.

I repeat some of the points that have been made earlier. The result is that providers who have a medical and ethical responsibility to promote the well-being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

In addition, providers could not negotiate any onerous restrictions that appear in their contracts concerning the provision of abortion services. Such restrictions could include a ban on referring clients for abortion elsewhere, or from even discussing abortion as a medically appropriate and legal option for patients.

Mr. Speaker, reproductive health services are an essential component of primary care for women and must be part of all negotiations. I urge my colleagues to vote no.

□ 2130

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking minority member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I want to admit that we are now on the horns of a dilemma in terms of the rule. We have a rule that presents an obstacle course of poison pills designed to drag the bill down. Virtually all of the amendments that have been allowed by the Committee on Rules are hostile, in many cases unrelated, amendments.

For example, the Coburn amendment is an anti-choice amendment that would prevent doctors from making referrals for abortion-related services for victims of rape and incest. The Cox amendment is an insult to the collective bargaining idea and would constitute the first-ever Federal right-to-work mandate on the States.

Neither of these amendments have anything to do with the underlying bill, of course, and the Committee on Rules have waived all points of order to leave these poison bills intact. We know the game. It is to split 220 cosponsors of a very important and fine bill.

And so my solution that I propose to my colleagues tonight is that since we have been gamed, I am going to oppose the previous question on the adoption of the rule and ask the Members to support me in opposition to the previous question so that I can offer an amendment that would remove the Cox amendment and also make in order the amendment submitted by the gentleman from Pennsylvania (Mr. GREENWOOD) to the Committee on Rules.

This would allow us to have a clean debate on the underlying legislation, free of the poison pill amendments. And my amendment is supported by NARAL, the Pro-Choice Caucus, the AFL–CIO, and AFSCME. So a vote to defeat the previous question may well be the only chance Members have in this Congress to vote for the right of health care professionals to collectively bargain on behalf of their patients. It is a tough choice. We have been split on this, but I hope it will bring us back together again.

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

Mr. GANSKE. Mr. Speaker, well, here we are again with a difficult rule. We will see whether we can work this out. I think I need to spend a couple of minutes talking about why this bill should pass.

Blue Cross/Blue Shield of Iowa controls the health care of 98 percent of the hospitals and 90 percent of the doctors. One insurance company controls the access and health costs of 60 percent of insured Oregonians. Market competition in Texas is all but gone. Twenty-four competing companies have compressed into four mega-managed care companies.

Sixty percent of the Pittsburgh market is controlled by one plan. More than 50 percent of the Philadelphia market is controlled by one plan. Each plan has maintained its dominance by virtue of an agreement not to compete in each other's territory.

One insurance company dictates health care in over half of Washington State. Since I came to Congress and closed my practice in 1994, there have been 275 mergers and acquisitions of health plans. There are now seven managed health care plans and Blues control the cost and access of the majority of people in this country.

What does that mean? That means if one is a provider, a doctor, and that HMO controls 50 or 60 percent of their patients and they present a contract and say take it or leave it, and that doctor has a child in college, they are making mortgage payments, how do they turn them down when they have a contract clause that says medical necessity means the shortest, least expensive or least intense level of care as defined by us? Or maybe they say like this Blue Cross/Blue Shield contract of Iowa, where the health plan shifts responsibility to physicians for the health plan's breaches of confidentiality that they release any liability for disclosure made by the company.

Or how about the gag clauses that companies want providers to sign on to? A lot of providers just do not have a choice. I have had a lot of Republican colleagues, when we have had our managed care debate, say just let the market work. If we get to a vote on this, vote ''yes'' because this will let the market work.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, many of the physicians I know in my community need this legislation. Frankly, the physicians are put at a disadvantage with the HMOs and the conglomerates that are now taking over health care. The gentleman from California (Mr. CAMPBELL) had the right idea. But unfortunately, the legislation that we had in the Committee on the Judiciary, I would say to the gentleman from Michigan (Mr. CONYERS), with all the good work that we did, is not here today.

Frankly, we have the complete opposite picture from what we wanted to bring to the floor of the House. First of all, about a year ago, doctors at the AMA convention indicated they wanted

to organize; they wanted to have the opportunity to be stronger and negotiate on behalf of their patients. Minority doctors in particular have been shut out from HMOs and so inner-city physician many times cannot serve the patient needs of their base.

Frankly, I think we have a responsibility to put this bill forward. But the Committee on Rules, the Republican Committee on Rules knew what they were doing when they added the Coburn amendment and the Cox amendment to prevent something the bill doesn't do anyhow—force a physician to join a union. That is not in the Bill—plain and simple. The Supreme Court just 48 hours ago just indicated to this Congress that the right to an abortion is the law of this Nation however the Coburn brings up unnecessary anti-choice provisions. Why we have this legislation in this way in order to undermine the very good bill offered by the gentleman from California (Mr. CAMPBELL), of which I am a cosponsor, I do not know.

Mr. Speaker, I support the ranking member's proposal that we defeat the previous question and allow a redrafting of this rule to eliminate the Cox amendment and to offer the Greenwood amendment, to get on with the business that health care providers need to serve the people of America's health needs.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I rise in strong support of the rule. It is an imperfect rule, but this bill needs to be brought to the floor.

H.R. 1304 is the only bill that I have seen in the last 3 years, probably in the last 30 years, that would move us in a proper direction for health care in this country. For 30 years now we have moved in the direction, not toward socialized medicine, we do not have socialized medicine, we have a mess. We have a monster we created called ''medical management.'' But we have moved toward corporate medicine.

Who are the greatest opponents of H.R. 1304? The HMOs and the insurance companies.

All we are asking for here is a little bit of return of freedom to the physician, that is, for the right of the physician to freedom of contract, to associate. We are giving no special powers, no special privileges. Trying to balance just to a small degree the artificial power given to the corporations who now run medicine, who mismanage medicine, who destroyed the doctor-patient relationship.

Mr. Speaker, this has given me a small bit of hope. I am thankful the leadership was willing to bring this bill to the floor tonight. We should go through, get the rule passed, and vote on this. This is the only thing that has offered any hope to preserve and to restore the doctor-patient relationship.

We need this desperately. We do not need to support the special corporate interests who get the money. The patient does not get the care. The doctors are unhappy. The hospitals are unhappy. And who lobbies against this? Corporate interests. This is total destruction of the doctor-patient relationship.

All we want to ask for is the freedom to associate and the freedom to contract. If they do not want to become a union, doctors do not have to. They had the power to become unions in the 19th century, but under ethical conditions they did not. Nobody tells doctors that they have to, if we remove this obstacle.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this bill is one of the most essential pieces of legislation I have seen in the last several years, and I commend the gentleman from California (Mr. CAMPBELL) for the work he has done to bring it to the floor, and I condemn the underhanded actions of the Republican leadership of this House in allowing poison pill amendments to put those of us who think this bill essential in a quandary in supporting it.

Mr. Speaker, I will talk more during the general debate about why this bill is essential, but the gentleman from Texas (Mr. PAUL) hit it on the head. An HMO comes into town, signs up the employers, controls all the health care, controls all the patients, and says to the doctors: sign on the bottom line. Take it or leave it.

If they do not want to have to treat 20 patients an hour, 5 minutes apiece, if they think it requires more time to give them decent treatment, too bad. They do not have to sign up with us; we will get plenty of doctors who will not have such scruples.

The bill authored by the gentleman from California will enable the doctors to get together and say: no, we need time to talk to our patients and we need time to do proper services.

Mr. Speaker, this is profoundly in the interests of the patients of the United States. This is easily as important as the Patients' Bill of Rights in destroying the tyranny the HMOs have taken over the doctors and patients in this country.

But then we have the Coburn amendment made in order as a poison pill with one purpose and one purpose only. Nothing to do with abortion. That is the fig leaf. The real purpose of this amendment is to get people to vote against the rule and vote against the bill who otherwise would vote for it.

The real purpose of this amendment is to get people who would vote against the insurance interests and for patients' rights, which is what this bill is about, to put them in a quandary so they cannot do it.

Mr. Speaker, I urge that Members vote against the previous question so that we can rewrite the rule. If the previous question motion is passed, I will reluctantly vote for the rule and hope that we can then defeat the Coburn amendment. Because this bill is as important a bill as any bill we have seen on this floor; and we should not allow a leadership that does not dare get up and say its real purpose, that we are beholden to the insurance companies and we do not want to serve the patients of the United States, we want doctors to be slaves to the insurance companies, so let us hide behind the fig leaf of an extraneous issue. We should not hide behind that issue.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume only to point out to the gentleman that the real purpose of me being here is to pass this rule, and I appreciate his help.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. BOEHNER), the chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, we all know this is a very difficult bill. I congratulate my colleagues on the Committee on Rules for doing the best they could with a difficult situation. But I say to you, Mr. Speaker, you can put lipstick on a pig, but it is still a pig.

We have problems in our health care system, and I think all of us know it. There are ways to address these problems, such as the Patients' Bill of Rights that we are working on in conference today. There are other things that we can do. But this, I would argue, will destroy our health care system.

What protection are we giving our Nation's patients when we take away their health insurance because of increasing costs? What other group of Americans have we ever exempted from our antitrust laws that were created over 100 years ago to stop the big steel trusts, to stop the big oil trusts? We put those antitrust laws in place to prevent consumers from being harmed.

What we are doing here is we are exempting one group of Americans in our health care system, one group of Americans to go out and to negotiate on whose behalf? Come on, they will be negotiating on their own behalf. That is why the Congressional Budget Office and others have talked about the tremendous increase in cost that will result if this bill is passed.

□ 2145

So, Mr. Speaker, let us quit kidding ourselves. This is a bad solution to a problem that does exist. There are better solutions. Let us defeat the rule, send this bill back to committee and go home and visit with our constituents over the next week.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Ohio for yielding.

Mr. Speaker, I rise reluctantly in support of the rule. I regret that the amendment of the gentleman from Pennsylvania (Mr. GREENWOOD) was not placed in order. He should have the right to bring his amendment to the floor and have it fully debated.

I am very much opposed to the Coburn amendment. The Coburn amendment is a transparent and deceptive attempt to politicize the debate on the underlying bill. The Coburn amendment is not just an anti-choice amendment, which I believe would be defeated in this House, would be definitely defeated in the Senate, and vetoed by the President, it is unconstitutional according to the court decision yesterday. But its real role in this debate is to bring down the rule so that this body does not have a chance to debate and vote for and hopefully pass the very thoughtful Quality Health Care Coalition Act of the gentleman from California (Mr. CAMPBELL).

The bill of the gentleman from California (Mr. CAMPBELL) deserves to be debated on this floor; therefore, I support this resolution. The bill is a very creative attempt to empower doctors to make medical decisions for their patients.

This bill has been before this Congress for 3 years. It has over 220 cosponsors. There have been hearings on it, markups. The committee voted favorably by a vote of 26 to 2. Time and time again, this leadership has brought bills before this body on which there have been no hearings, no committee, and no amendments allowed.

This time, the gentleman from Oklahoma (Mr. COBURN) and this body have played by the rules, and we deserve a vote on his bill before this House.

My colleagues do not have to support the bill. If they do not like the bill, then do not vote for it. But to be fair to our colleague, let us pass this rule and allow a vote on his bill.

If we do not vote for this bill, this rule, it will not get to the floor for a vote. Patients, doctors, and the health care system are depending on it. Let us bring the Campbell bill to the floor and fully debate it fairly.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman for the time; and as a cosponsor of the bill, I stand here in support of the bill and support of the rule. We need to pass this rule tonight because it is the only way that we are going to get a chance to vote on this bill.

Now, this is surely a controversial issue. Should doctors be able to bargain collectively on an equal footing with the insurance companies. I happen to think they should.

An earlier Speaker said we have never exempted anybody else from anti-trust laws. But the truth of the matter is we did. When we passed McCarran-Ferguson, we gave special provisions to the insurance industry that they use today.

Now, we have been debating HMO reform for over 2 years. Everybody says doctors, not bureaucrats, doctors, not adjusters, but doctors ought to be making medical decisions that impact their patients. Well, tonight, here is my colleagues' chance to empower doctors to be making those kind of medical decisions. But the only way we are going to do this is to pass this rule.

Now, if my colleagues oppose the amendments, defeat the amendments. Let the House work its will. But let us pass this rule, let us give the bill a chance, and let us support the rule and support the bill.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Ohio (Mr. HALL) has 6 minutes remaining. The gentleman from Florida (Mr. GOSS) has 9 minutes remaining.

Mr. GOSS. Mr. Speaker, I am totally ambivalent about the rotation here. We are prepared to go.

Mr. HALL of Ohio. That would be fine, Mr. Speaker.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. WELDON), a distinguished doctor.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding to me, and I rise in support of the rule and support of the underlying piece of legislation.

I, too, am an original cosponsor of this bill. In the general debate, I hope to be able to elaborate further on my experience in this particular arena. I do have some real experience, and it is underlying my strong support for the bill.

But one thing I want to just amplify on, and the gentleman from Montana (Mr. HILL) really covered this very nicely, but he was very, very pressed for time, there are some people going around saying this is going to unfairly tip the playing field, this Campbell legislation.

Mr. Speaker, the field is not level. The gentleman from Montana just explained that to us. This Congress passed legislation that tilts the negotiations and strengthens the hand, I think, excessively of insurance companies. This legislation I believe is going to take a situation that is like this and level it out.

Regarding the issue of the amendment of the gentleman from Oklahoma (Mr. COBURN), I happen to personally feel that the gentleman from Oklahoma is very well intentioned, and his concerns, I think, are legitimate. I happen to personally believe his concerns are most likely not necessary, but the language in his amendment I find to be acceptable. I intend on supporting his amendment.

I would encourage all of my colleagues on both sides of the aisle to support the rule. We have amendments allowed under the rule that would allow people on both sides of this issue to cast their vote in good faith and then ultimately get the final product up for a vote.

Support the rule and, of course, support the underlying bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Mr. Speaker, I rise in strong support of the Campbell bill and, accordingly, in strong support of motion to defeat the previous question by the gentleman from Michigan (Mr. CONYERS).

The gentleman from Michigan (Mr. CONYERS) would allow us to avoid this outrageously rigged rule that is designed certainly to scuttle the Campbell bill. The Campbell bill is desperately needed. We have a situation where doctors are put into a very unfair situation, unable to negotiate on a level playing field with the large HMOs and managed care companies.

The Campbell bill will stop the arbitrary, unfair, one-sided contracts that the managed care companies are offering to doctors.

I listened intently to the gentleman from Iowa (Mr. GANSKE) a few minutes ago. He got one fact wrong. He said that the largest managed care company in Philadelphia is controlling 50 percent of the market. They are actually controlling 62 percent of the market, growing every day. That large managed care company recently offered orthopedic surgeons in the Philadelphia area a 40 percent pay cut. That kind of arbitrary activity is unacceptable.

The Campbell bill will allow collective bargaining and allow doctors a level playing field, not just to improve their fee agreements, but to avoid the kinds of changes in their medical practices that managed care companies often demand.

They want to impose gag rules on doctors so they cannot discuss their treatment options. They want to discourage appropriate referrals. Companies want frequently to block appropriate tests and delay care. They want to grant financial rewards to doctors for not giving care.

Those things must be stopped. They can be stopped through appropriate negotiations. But first we must pass the Conyers motion to defeat the previous question.

Mr. Speaker, I urge a yes vote on that motion.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am very conflicted by the vote on this rule.

As has been referenced, I took to the Committee on Rules last night an amendment to amend the amendment of the gentleman from Oklahoma (Mr. COBURN) because I have a difference of

opinion with him with regard to the policy. The gentleman from Oklahoma (Mr. COBURN); and I tried to work out our differences last night and cooperate, so we decided that what we would do is each have our opportunity to debate on the floor.

The Committee on Rules denied me the opportunity to bring my amendment to the floor this evening, and I do not like that. My normal inclination when the Committee on Rules denies me one of the few amendments that I take to the Committee on Rules is to oppose the rule. That was my inclination.

However, the gentleman from California (Mr. CAMPBELL) has been made a promise, and that promise is that his bill would be debated on the floor. I think he deserves it. He worked hard to have his day, his night on the floor, and I think he is deserving of that.

More importantly, there are thousands and thousands of physicians across this country who have felt frustrated by the present situation and whether we agree with their position or not, whether we agree with the position of the gentleman from California (Mr. CAMPBELL) or not, they went to the United States Congress, and they said, ''Please debate this issue. We think it is deserving of the greatest deliberative body on earth. Please take our issue to the Congress and have a debate.'' If this rule is defeated, imagine all of those physicians all over the country saying the Congress does not work.

We are frustrated. We get a bill. We get over 220 cosponsors on the bill; and for something to do with abortion, we are not even allowed to have our issue debated after all of these years.

I think it would be a tremendous disservice to those advocates of those bills and, frankly, those opponents of the bill to deny the opportunity for this Congress to do its work, to take these issues important to our times, and to debate them.

Ms. DEGETTE. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Speaker, I really agree with a lot of what the gentleman of Pennsylvania (Mr. GREENWOOD) is saying. My concern is, what happens with all of these physicians if we go to debate, if the Coburn amendment passes, and then the bill, then we all have to vote on the bill, and how will those physicians feel if we vote against a bill we support because of this?

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York (Mr. REYNOLDS), a highly valued member of the Committee on Rules. We only have highly valued members in the Committee on Rules.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman from Florida. Today, as I have listened to this debate, we have people supporting this rule, some not in love with it, but in support of it from the most liberal perspective of our viewpoints in this House to some of the most conservative.

Today, as we have this rule before us, it is an appropriately structured rule. The proposed legislation makes dramatic changes in current law. The rule provides for comprehensive debate. Six amendments of the 12 submitted were included. Everyone but the gentleman from Pennsylvania (Mr. GREENWOOD) was granted an amendment. He was not granted an amendment, and he supports the rule this evening.

The amendments offered cover most of the contentious parts of debate throughout this legislation. I urge my colleagues to support the rule and let the debate begin.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the fact that he said that all members of the Committee on Rules are doing a reasonably decent job. I hope it will include me along with the gentleman from New York (Mr. REYNOLDS) in that group.

Mr. Speaker, I rise in strong support of this rule. There are 220 Members, Mr. Speaker, who are cosponsors of the legislation of the gentleman from California (Mr. CAMPBELL), and a commitment was made that we would move ahead with this bill.

I know that there are some people who are not ecstatic with the way that this rule has been structured. But the fact of the matter is we have done what we could to move this legislation forward.

So it sounds like we are going to have a vote on the previous question that the gentleman from Michigan (Mr. CONYERS) will be pursuing. I hope very much that we will defeat the previous question and move ahead and pass this rule. We have a responsibility to move legislation.

The Speaker has said that he hopes very much that Members will vote in support of this rule so that we can move the package forward. Arguments have been made on both sides of the aisle by a number of our colleagues that if one is a supporter of this rule, do not stand behind the procedure and cast a no vote on the rule, because this is the opportunity that we have to move ahead with this legislation.

So I would also say to Members on both sides regardless of one's position on the issue, even if one is not a supporter of the legislation of the gentleman from California (Mr. CAMPBELL). Let us have a debate on the measure and then allow the House to work its will.

So I urge my colleagues to vote in favor of the previous question, and I urge my colleagues to vote in favor of the rule so that we can have the opportunity here to have what the gentleman from South Carolina (Mr. SPRATT) likes to describe as a full, wholesome, and hard-hitting debate.

□ 2200

The SPEAKER pro tempore (Mr. SHIMKUS). For clarification, the gentleman from Ohio (Mr. HALL) has 4 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 2 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise as a cosponsor and in support of H.R. 1304, the Quality Health Care Coalition Act.

We are here today to restore a sense of balance to a health care system that is now dominated by the health care insurance companies. H.R. 1304 will put doctors on a level playing field with the giant health care companies. Specifically, it will allow doctors to join together and negotiate the terms and conditions of their HMO contracts without violating the antitrust laws. With the power to bargain collectively, doctors will then have the clout to negotiate for fair terms for their services and for their patients rights.

When large HMOs dictate all the terms to individual doctors, patients suffer. To make up for low HMO payments, doctors are forced to see more patients each day. When doctors see more patients daily, they are not able to spend the kind of time they want to and need to spend with each patient. Their offices often look like assembly lines because the HMOs and the health insurance companies dictate to the doctors how quickly they must move those patients in and out.

Doctors and other health care professionals need to be able to negotiate health care service contracts with HMOs and health insurance companies on a level playing field so that their patients can receive the quality health care treatment they deserve.

Freedom of assembly and freedom of speech are rights guaranteed in the first amendment for all Americans. How about for doctors? Defeat the previous question; support H.R. 1304.

Mr. GOSS. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CAMPBELL), the distinguished author of the bill.

Mr. CAMPBELL. Mr. Speaker, I rise for two purposes. Although colleagues have referred to this as the Campbell bill, this is the Campbell–Conyers bill. There is no one who has fought as hard as the gentleman from Michigan (Mr. CONYERS) for this bill, and that includes me from the very start. I understand shorthand and that people say the Campbell bill, but this is the Campbell–Conyers bill. I am proud of my colleague and proud to stand with him. Both of our names are in this effort.

Lastly, to the fellow pro-choice Members of this body, NARAL, NARAL, has said that the rule is not a key vote.

NARAL has said the rule is not a key vote. NARAL has said final passage is not a key vote. NARAL has said final passage is not a key vote. The Coburn amendment is a key vote, but not the rule. Please support the rule.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. SHADEGG. Mr. Speaker, this bill is clearly well-intended. It attempts to address an imbalance that exists because HMOs are too powerful. I have many HMOs in my State of Arizona. Indeed, more HMOs percentage-wise than perhaps any State in the Nation, and I have fought HMOs and I will continue to fight them through the fight on the Patients' Bill of Rights. But this bill is tragically misguided.

The discussion we have heard here tonight has been about the power of HMOs and the lack of power of doctors. The reality is that there is an omitted party. The omitted party is the patients. If we empower doctors to unionize, there will be one thing that will happen, mark my words. The cost of health care will go up.

I love doctors, and they will try to protect patients, but their number one motivation will be to negotiate increased fees for them. The cost of care will go up, and patients will not be protected.

Many of us on the Patients' Bill of Rights Task Force, many of my colleagues on the other side who fought for patients' rights and this side who fought for patients' rights have fought this battle. We need to empower patients by giving them choice, not unionizing doctors and causing prices to go up.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) for yielding me this time.

My colleagues, this bill is so incredibly important that enough Members are cosponsors that could normally pass the bill, 220 Members.

We have a rule that is laden with poison pills. Solution: defeat the previous question and vote ''no.'' I have an amendment that will cure the problem, I think quite well, but this will give those of us who are definitely prochoice a way out to get this measure to the floor. Believe me, if this bill does not come up tonight, my colleagues will not see this measure again in the 106th Congress.

So I urge all of my colleagues, the cosponsors and the friends of Campbell–Conyers, to vote ''no'' on the previous question.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

As Members can tell from the debate, this was a hard rule to write. There are many interested in this. The guiding principle was to try to get this matter to the floor for debate because we think there is a compelling need to have this debate. We have heard many facets of it.

I heard the distinguished gentleman from Michigan (Mr. CONYERS) speak of an obstacle course. Authors of bills often refer to amendments to their legislation as obstacles. Obviously, we all understand why.

The Committee on Rules made a very fair, I think valiant effort to try to make in order all the amendments that came forward, and we did all but one. The gentleman has spoken to that, and that gentleman is going to support this rule tonight.

I would suggest that it is very important that we pass this rule. I urge we vote ''yes'' on the previous question.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 241, nays 174, answered ''present'' 3, not voting 17, as follows:

[Roll No. 364]

YEAS—241

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
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Whitfield
Wicker
Wilson
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Young (AK)

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Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman

Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—3

Ganske
Greenwood
Kucinich

NOT VOTING—17

Barcia
Bishop
Clay
Cook
Filner
Hastings (WA)
Klink
Lewis (CA)
Markey
McIntosh
McNulty
Shuster
Taylor (NC)
Thomas
Vento
Weldon (PA)
Young (FL)

□ 2226

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

Messrs. LAHOOD, QUINN, BERRY, BURTON of Indiana, GILLMOR, and FORBES changed their vote from ''nay to ''yea''.

Mr. KUCINICH changed his vote from ''nay'' to ''present.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 13, as follows:

[Roll No. 365]

AYES—225

Abercrombie
Aderholt
Andrews
Armey
Baca
Bachus
Baker
Barcia
Barr
Bartlett
Bass
Berkley
Berry
Bilbray
Bilirakis
Blumenauer
Blunt
Bonior
Boswell
Boucher
Brady (TX)
Bryant
Callahan
Calvert
Campbell
Canady
Cardin
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Herger
Hill (MT)
Hilleary
Hinchey
Hoeffel
Holden
Holt
Horn
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kuykendall
LaFalce
Lampson
LaTourette
Lazio
Leach
Levin
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McCollum
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (FL)
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Ortiz
Ose
Pallone
Pascrell
Paul
Payne
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Scott
Sessions
Shaw
Sherwood
Shimkus
Shows
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Toomey
Traficant
Turner
Upton
Vitter
Walden
Wamp
Waters
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wilson
Wise
Wolf

NOES—197

Ackerman
Allen
Archer
Baird
Baldacci
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berman
Biggert
Blagojevich
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Camp
Cannon
Capps
Capuano
Carson
Chambliss
Clayton
Clement
Clyburn
Combest
Condit
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dixon
Dooley
Dunn
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Ford
Gejdenson
Gekas
Gonzalez
Goodling
Green (WI)
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Hefley
Hill (IN)
Hilliard
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Houghton
Hoyer
Hunter
Inslee
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kind (WI)
Kingston
Kolbe
Kucinich
LaHood
Lantos
Largent
Larson
Latham
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Luther
Martinez
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moore
Moran (VA)
Murtha
Napolitano
Nethercutt
Northup
Nussle
Olver
Owens
Oxley
Packard
Pastor
Pease
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Schaffer
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Sherman
Sisisky
Skeen
Skelton
Slaughter
Smith (WA)
Spence
Stabenow
Stark
Sununu
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walsh
Watkins
Watt (NC)
Waxman
Wexler
Wicker
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

Bishop
Clay
Cook
Filner
Hastings (WA)
Klink
Markey
McIntosh
McNulty
Shuster
Taylor (NC)
Vento
Young (FL)

□ 1038

Ms. CARSON, and Messrs. OWENS, BLAGOJEVICH, HEFLEY, SPENCE and PACKARD changed their vote from ''aye'' to ''no.''

Ms. WATERS, Mrs. KELLY, Ms. BERKLEY, Ms. PRYCE of Ohio, and Messrs. BLUMENAUER, WEINER, HINCHEY, KENNEDY of Rhode Island, SCOTT, KILPATRICK, BILIRAKIS, LEVIN, FOSSELLA, and BACA changed their vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 279, not voting 21, as follows:

[Roll No. 366]

AYES—135

Abercrombie
Allen
Archer
Baker
Ballenger
Barrett (NE)
Barton
Bentsen
Bereuter
Berkley
Blagojevich
Boehner
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Burton
Buyer
Camp
Carson
Chabot
Chambliss
Clyburn
Coburn
Condit
Conyers
Danner
Davis (FL)
Delahunt
DeMint
Dicks
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Forbes
Ford
Fossella
Frank (MA)
Gephardt
Gonzalez
Green (WI)
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hinchey
Hobson
Hoekstra
Hostettler
Houghton
Hoyer
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, Sam
Kaptur
Kennedy
Kilpatrick
Kingston
LaFalce
LaHood
Lampson
Lantos
Larson
Lewis (KY)
Lipinski
Lowey
Maloney (NY)
Matsui
McCarthy (MO)
McDermott
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Miller, Gary
Minge
Mink
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Northup
Olver
Oxley
Payne
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Quinn
Radanovich
Rivers
Rodriguez
Ryan (WI)
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shows
Sisisky
Skelton
Slaughter
Snyder

Spratt
Stabenow
Stark
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thurman
Towns
Udall (CO)
Visclosky
Watt (NC)
Waxman
Weiner
Young (AK)

NOES—279

Ackerman
Aderholt
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Boswell
Boucher
Brady (TX)
Brown (OH)
Bryant
Burr
Calvert
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chenoweth-Hage
Clayton
Clement
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McInnis
McKinney
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaffer
Scott
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauzin
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn

NOT VOTING—21

Berman
Callahan
Clay
Cook
Filner
Goodling
Hastings (WA)
Holden
Jenkins
Klink
Markey
Martinez
McIntosh
McNulty
Shuster
Taylor (NC)
Vento
Waters
Weldon (PA)
Woolsey
Young (FL)

□ 2255

Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, and Messrs. DEUTSCH, MCGOVERN, and HILLIARD changed their vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REDUCING TIME FOR GENERAL DEBATE AND CONSIDERATION OF AMENDMENTS ON H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 2000

Mr. CONYERS. Mr. Speaker, I ask unanimous consent during consideration of H.R. 1304 to reduce the time for general debate to 10 minutes on each side, and I ask unanimous consent to reduce the time for debate on each amendment to 5 minutes for the proponent and 5 minutes for the opponents, except for the Coburn amendment, I ask for 7½ minutes on each side.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. CONYERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. NUSSLE). The gentleman will state his parliamentary inquiry.

Mr. CONYERS. Does the Speaker have the authority to roll the votes in the interest of saving time tonight?

The SPEAKER pro tempore. The Chairman of the Committee of the Whole House will have the authority to postpone and cluster votes on amendments.

QUALITY HEALTH-CARE COALITION ACT OF 2000

The SPEAKER pro tempore. Pursuant to House Resolution 542 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1304.

□ 2259

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 consideration of the bill (H.R. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Pursuant to the order of the House, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

□ 2300

Mr. HYDE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CAMPBELL) and 5 minutes to the gentleman from Ohio (Mr. BOEHNER), and I ask unanimous consent that they be permitted to control that time.

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

There was no objection.

Mr. CAMPBELL. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in support of the bill, and I wanted to relate to my colleagues in the Chamber my experience on this issue, the very issue we are discussing today.

Many years before I got elected to the U.S. House, and as most of my colleagues know, I am a physician; we had an insurance company come to the community offering a product, they called it a PPO, Preferred Provider Organization, or network; and it had a fee schedule in it that was substantially below what was the prevailing rates in the communities. So a whole bunch of the providers, the doctors in the community, were concerned about this because this was a big company, it insured a lot of people. So we all agreed to gather together in a hotel ballroom to discuss this issue, and we invited an attorney to join us and asked him to get up first and explain to us the antitrust laws so that we would not run afoul of antitrust.

So we allowed him to speak, and he got up and he said, if you want to stay out of trouble, go home. You can't talk about this. If you discuss it at all, you can be prosecuted. So we all went home.

Now, back in those days there was one group that had about 20 doctors, a few other small groups, and then a lot of solo practitioners. Now, in that community there are four large groups, my group, which had 20 doctors, has 100 doctors, and there is virtually no solo practitioners left. That is really what this bill is about.

We are talking about the solo pediatrician, the two-man group, the family practitioner who operates alone, being

able to negotiate with these insurance companies.

There are some people who will argue against this bill and say it is going to tip the playing field. The playing field is overwhelmingly in the favor of the insurance companies. We have provided them antitrust exemptions. They can trade information amongst each other. They can trade information about providers, their pricing, but the doctors cannot talk amongst themselves at all.

So what we are really talking about here is evening out the playing field, and I think it is the right thing to do. I commend the gentleman from California for moving this legislation and the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

In the spirit of us moving as rapidly as we can, is it correct that the Chair is now going to roll the votes? Has that been arrived at?

The CHAIRMAN. When we get into the amendment process, the Chair will exercise that discretion.

Mr. CONYERS. I thank the Chair.

Mr. Chairman, we are dealing with a trinity of health care bills, the Prescription Drug bill, the Patients' Bill of Rights, and this modest antitrust exemption for doctors.

Now, please remember, this is a labor exemption. The antitrust legislation was written for capital corrections and guidance. But what we are doing here is doing what the doctors need to be able to discuss how between HMO administrators and other professionals that they are now being restricted in their ability to make decisions for their patients.

We all know about this problem. We now have the opportunity to deal with this question, and all I would like my colleagues to keep in mind is that the time has come. For several years now we have brought this measure forward. We are now debating it.

Most Americans receive their health insurance coverage through managed care plans, but we have seen the massive coalitions and consolidations of the managed care market to just a dozen health insurance competitors. As a result of this market concentration, we need to give some relief to these doctors. They are really feeling the pinch. They are depending on us. And, by the way, so are the patients. The decisions that the doctors make in the patient-doctor relationship are under a severe test at this present point.

So we respond to this problem by allowing medical professionals to jointly negotiate the terms of their contract with health care plans. There is a 3-year sunset on the bill. Please support it.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, every doctor in this country, unless they work for an HMO firm as a company doctor judging other doctors, is frustrated in this country. What the gentleman from Florida (Mr. WELDON) just described to you is a situation that does, in fact, occur. One of the things that happens is the doctor is consolidated into a group. That group as a group can decide whether or not they will or will not take an HMO contract.

The problem is that in urban areas, we have way too many doctors, and the only way an HMO or an insurance company can take advantage of that is when there is an excess of physicians. So the real answer to this problem is to, in fact, allow the marketplace to work. The problem is the former bill of the gentleman from California (Mr. CAMPBELL), which we should be voting on, which takes away the exemption from the insurance companies rather than giving it to the physicians.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. DINGELL), the Dean of the House of Representatives.

Mr. DINGELL. Mr. Chairman, I thank my old friend for yielding to me.

Mr. Chairman, this is a good piece of legislation. It shifts the balance back to the point where it is fair to the doctors and to the HMOs by whom they are employed. I think it is time that we do this. It is simple justice and simple equity, and it will improve a situation which has grown increasingly intolerable from the standpoints of doctors, of patients, and, very frankly, if they were smart enough to know, also the HMOs.

Mr. Chairman, managed care has dramatically changed health insurance in the past 30 years. Once upon a time,it actually managed the care a patient received and because that was more efficient, it actually saving some money. But, managed care has taken this cost-saving ability to new levels and as a result has made the relationship between doctors, patients, and insurers more complicated. The balance of power has tilted away from the doctor and the patient to the insurer.

Insurance companies hold supreme power over both payment decisions and treatment decisions, potentially compromising the quality of care along the way. The Quality Health Care Coalition Act addresses providers' concerns with their unequal bargaining position with insurers—a problem which hurts the quality of care patients receive. For that reason, Congress should act to restore balance to the provider-insurer relationship.

However, passing H.R. 1304 does not relieve us of our responsibility to restore the balance to the patient-insurer relationship by enacting a meaningful, enforceable Patients' Bill of Rights that covers all Americans. The House of Representatives passed such a bill on a bipartisan basis last October. The Norwood-Dingell bill provides a fair, independent, and expeditious appeals process, and guarantees that doctors, not accountants, are making medical decisions. The bill ensures that patients have basic rights such as access to specialists, access to emergency care, access to ob-gyn care, and access to needed drugs. It also ensures that patients can hold their HMO accountable for acting irresponsibly, if those actions cause injury or death. More than nine months have passed, the conference has failed, and Congress still has not delivered a bill to the President.

The Quality Health Care Coalition Act is one step toward leveling the playing field for doctors, but Congress must finish its work for patients and get a meaningful, enforceable Patients' Bill of Rights to the President. I hope that we will see both bills signed into law this year.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Michigan (Mr. BONIOR).

□ 2310

Mr. BONIOR. Mr. Chairman, let me just say that I want to commend the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL) on crafting this legislation. Not only is this good for doctors and patients, but it reinforces the idea that collective bargaining and workers coming together and being able to bargain for their work is a valuable, valuable asset in our society today.

It is not just blue collar workers or technical workers or clerical workers. We are finding more and more teachers and scientists and people of professional status involved in this kind of collective bargaining and organization. I commend them for giving this opportunity to the doctors.

Mr. Chairman, one of history's most enduring lessons is that collective bargaining is the only institution that offers Americans the voice they need to win fairness in the workplace.

Most of us understand how that's worked for blue-collar workers and clerical and technical employees—but it's just as true for professionals.

That's why, over the years, we've seen teachers, journalists and even scientists organize.

That's why I was proud to join a union when I was an adoption caseworker.

And that's why health care professionals are organizing today.

They're organizing because they understand what every family in this country knows: that American health care today is big business.

And it's a business where, all too often, the quality of patient care has taken a back seat to the demand for profit.

By passing H.R. 1304, we're giving health professionals an important new tool to fight back.

Through collective bargaining, they'll have the added clout they need to talk back to the health plans that dominate American medicine.

That's not just good for health providers—it's good for the patients who depend on them.

Because when health professionals negotiate they won't only be speaking out for themselves, they'll be bargaining for better care.

The bottom line is that joining a union doesn't undermine professionalism—it only bolsters it.

I'm proud to salute the leadership of my colleagues, TOM CAMPBELL and JOHN CONYERS, in crafting this measure.

And I'm proud to join with them in voting for H.R. 1304 today.

But, like other supporters of this bill I strongly oppose the Cox amendment to H.R. 1304.

The Cox amendment is a shameless attempt to undermine the ability of health professionals both to organize and to bargain. It will render this legislation virtually useless.

Vote ''no'' on the Cox amendment, and, once it's defeated, vote ''yes'' on H.R. 1304.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I rise in support of H.R. 1304, because it is a bill that is simple in concept and based on fundamental principles of fair market, and the freedom and right to contract fairly as equals on a level playing field.

This legislation does nothing except remove the current artificial barriers that prevent doctors from doing what every other citizen has the right to do, and that is to bargain as equals in good faith and on a level playing field.

It is not giving them any special advantage. It is simply saying to the doctors of America as they try and practice medicine with the best interests of their patients in mind that they can negotiate as equals on behalf of their patients. That is all this bill does. It does no more and no less. That is why it enjoys the support on both sides of the aisle of a majority of Members of this House.

I urge Members to vote in support of H.R. 1304.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

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

Mr. Chairman, it is true that doctors are not on a level playing field. I have immense sympathy for their situation. But as well-intended as this legislation is, we have to look beyond what it says to what it will do. What it will do is drive up the cost of health care.

What we have done in America is we have disempowered patients. The reality is patients in America today cannot pick their own doctor because they are trapped in a health care plan selected by their employer.

We need to create a marketplace in health care in America today by empowering patients. Let us ask ourselves, are doctors not powerful enough, are HMOs not powerful enough, or are patients not powerful enough? The answer is that it is the patient that has been left out of this equation. They are trapped in the health care plan. They cannot get to the doctor they want.

Rather than empowering patients to go hire the doctor they want and bring down the cost of health care and get the care they need, what we are going to do is we are going to allow doctors to collectively bargain.

The net effect of that will be to increase the cost of health care and, mark my words, we will have Hillary care. We will have a single-payer system within 5 years when this bill becomes law.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from New York (Mr. NADLER), a member of the committee.

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

Mr. NADLER. Mr. Chairman, today's health care marketplace is dominated by six large companies who enjoy monopoly or near monopoly power in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms.

We hear from critics of this legislation that the bill is just about helping doctors get rich, but I say it is about helping patients get quality care. When a doctor is told they may only provide the cheapest treatment available, it is the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it is the patient who suffers. When a doctor is told he must see a dozen patients in an hour in order to make the reimbursement rates viable, it is the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors, it is about allowing doctors to stand up to the insurance companies and say, we will not accept conditions that harm our patients or put them in jeopardy.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors will be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies logic and credulity.

What this bill would do, all this bill would do, is to place doctors on a somewhat less tilted, a somewhat more level playing field on which to negotiate decent rates and decent conditions for their patients.

This may be the most important bill we could pass this year. I urge its adoption.

Mr. Chairman, I rise in strong support of H.R. 1304, the Quality Health Care Coalition Act of 1999. This is a very important piece of legislation that will immensely improve the quality of patient care in this Nation.

Mr. Chairman, the health care landscape is increasingly being controlled by just a few large insurance companies. Today's health care marketplace is dominated by six large companies, who enjoy monopolies or near monopolies in certain areas of the country. These companies possess unchallenged power in their negotiations with health care providers because providers are restricted by antitrust laws from bargaining collectively for more favorable terms. It has gotten to the point where insurance companies are effectively dictating the terms of an agreement to the providers.

We hear from critics of this legislation that this bill is just about helping doctors get rich, but I say that it's about helping patients get quality care. When a doctor is told he may only provide the cheapest treatment available, it's the patient who suffers. When a doctor is told he may not even discuss alternative treatments not covered by the insurance plan, it's the patient who suffers. And when a doctor is told that he must see a dozen patients an hour in order to receive viable reimbursement rates, it's the patient who inevitably suffers.

This bill is not about lining the pocketbooks of doctors. It's about allowing doctors to stand up to insurance companies and say, ''We will not accept conditions that harm our patients or put them in jeopardy.'' We must once again place medical decisions in the hands of doctors rather than an HMO bureaucrat who is not involved in our care.

Opponents argue that this bill would significantly raise costs in the health care industry because doctors would be able to extract exorbitant reimbursement rates from insurance companies if they were able to negotiate collectively. But to suggest that doctors will have these monolithic, multibillion dollar companies at their mercy defies credulity. What this bill would do is place doctors on a somewhat more level playing field on which to negotiate. We do not tip the scales in their favor.

Let me also mention another criticism of this bill raised by nonphysician providers such as nurse midwives and nurse practitioners. When the Judiciary Committee held hearings on this bill, these groups, among others, expressed in important concern over H.R. 1304, namely that doctors would be able to use the collective bargaining power granted under the bill to effectively exclude them from the field or severely limit their ability to practice. That is certainly not the intent of the bill.

The purpose of this bill is to ensure that no member of the health care profession has the terms of his or her practice dictated to them. This includes all of the licensed nonphysician providers who have worked alongside doctors to provide quality care to patients. We do not want to provide a tool for one class of health care professionals to squeeze out another.

That is why I worked with Representatives FRANK and JACKSON-LEE to amend the bill in the Judiciary Committee to specifically bar doctors, or any other provider, from entering into an agreement or conspiracy which would exclude, limit the participation or reimbursement of, or otherwise limit the scope of services to be provided by any other health care professional or group of professionals.

Under this language, no member of the health care field can have the terms of their practice dictated to them by insurance companies, doctors, or anyone else. All terms will be worked out by negotiation, exactly as this bill intends. I am confident that this language fully protects all nurses and other nonphysician providers from attempts by doctors to limit their ability to practice.

Mr. Chairman, this is responsible legislation that will release doctors from the grip of insurance companies and help them negotiate terms that best serve their patients. I believe this bill will help restore confidence in the doctor-patient relationship and ensure that it is only doctors and other licensed professionals who practice medicine. I urge my colleagues to support H.R. 1304 so that all providers will be free to practice in the best interests of their patients.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Since 1974, there have been 275 mergers and acquisitions of health plans. That is why I support the work of the gentleman from Michigan (Mr. CONYERS) and the gentleman from California (Mr. CAMPBELL). With this wave of consolidation, seven giant health care insurers have come to dominate the marketplace, and 80 percent of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the costs of but also the quality and access to health care. The health care system has become David and Goliath. We have to give David something to fight with.

In my State of Texas, although we already passed legislation that allows health care professionals to jointly negotiate, this is limited only to physicians in Texas. So national or regional health plans still have a stronger negotiating power, whereas a Federal law would help address this imbalance.

Any amendments on this bill, unfortunately, are driven by the insurance companies to destroy the bill, so I hope my colleagues will vote down these poison pill amendments. This legislation would enable medical professionals to serve their patients in the way their best medical judgment indicates. To do that, they will occasionally have to present a united front to the giant HMOs.

Mr. Chairman, this is a key vote for medicine. Therefore, I urge my colleagues to support this legislation by the Committee on the Judiciary.

Mr. CAMPBELL. Mr. Chairman, may I inquire how much time is left on each side? I have only one more speaker in the general debate, myself, and I intend to close.

The CHAIRMAN. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining, the gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 4½ minutes remaining.

Closing comments will be in this order: The gentleman from Ohio will start first, the gentleman from Michigan will go second, and the gentleman from California has the right to close.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong support of the Campbell-Conyers Quality Health Care Coalition Act, and congratulate both of them on their really thoughtful and creative legislation.

Mr. Chairman, what this bill is really about is who do we want in charge of our health care decisions, an HMO accountant bean counter, or our doctor who knows our health needs?

This bill will level the playing field between enormous health care plans and physicians and patients, allowing physicians to come together to negotiate with health care plans over contract provisions. Patients' interests should be at the bargaining table, and this bill allows it.

Many doctors in my district tell me that insurers are imposing greatly unfair contract terms on them. They say they have no choice but to sign the contracts unless they want to risk losing many of their patients.

The choice is very clear. The patients want it, the doctors want it. The only opposition is the HMO accountants. I urge a yes vote.

Mr. BOEHNER. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. LARGENT).

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

I rise in opposition to this bill. I have been sitting listening to this debate. It is most unusual. I hear my friends, the Democrats, my friend, the gentleman from Michigan, talk about those poor doctors feeling the pinch. We need to help those poor doctors. Yet, when Republicans bring tax cuts to the floor, they holler no, no, those are tax cuts for the wealthy. We cannot give them a break on their taxes.

What the Democrats want to do to help those poor doctors is to let them form a union. That is how we level the playing field, let them form a union.

I have finally figured out and was able to put together the pieces of the puzzle, because when those proverbial union thugs go out to break knees, they will have the doctors there to fix them. It all makes perfect sense.

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Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time. I rise in strong support of the Campbell-Conyers bill, a bill that would allow collective bargaining, not unions I would say to the previous speaker, but collective bargaining, so that doctors can deal with the one-sided, unfair arbitrary contracts that are forced upon them by the big managed care companies. Contracts that impose gag rules so that doctors cannot discuss all of their treatment options with their patients. Contracts that discourage referrals to specialists. Contracts that block appropriate tests and delay care to patients. Contracts that give financial rewards for denying care.

Mr. Chairman, in southeastern Pennsylvania where one managed care company controls 62 percent of the marketplace, they not only have offered orthopedic surgeons, as one example, a 40 percent cut in compensation, but they have also required that all doctors sign confidentiality agreements before negotiations begin as a precondition of negotiations one-on-one with the doctors. These agreements are unfair. They deny rights that doctors ought to have.

Mr. Chairman, I support the bill.

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

Mr. Chairman, I think we all know that we are going through major changes in the delivery of health care in America. Those issues have been fought out on this floor over the 10 years that I have been a Member and all of the changes are disconcerting to all involved.

First, the patients, doctors, hospitals, employers who pay the costs, insurance companies, everyone is in turmoil trying to find the right balance making sure the patients get what they need and trying to hold costs under control.

Every year that I have been here, we have debated Medicare and the tremendous increases in the costs of Medicare. We have been through all types of changes trying to what? Give the patients what they need while controlling the costs.

And so as we look at the situation in managed care today, we have a number of those groups in the middle with their lobbyists coming to Washington wanting us to level the playing field. Now, leveling the playing field is like beauty. It is in the eye of the beholder. Of course, they all want it level as long as it is slightly tilted toward them.

Mr. Chairman, this bill is no exception, except one small little exception. This is a big tilt, A big tilt to one group at the expense of all others that are locked into this system.

Why would we provide an antitrust exemption to one group in the medical profession with no oversight, no regulatory body overseeing their actions? Every time we have provided an antitrust exemption in the law, there has been some Federal regulatory body that has the responsibility to provide oversight. The National Labor Relations Act allows for collective bargaining. That is why we have the National Labor Relations Board to oversee these activities between labor and management.

To allow any group of Americans to go out and to form a cartel to prey on America's consumers is not good for our country. We know what happened with the OPEC cartel; we have higher prices at the gas pump today. What we are doing here is we are creating another cartel. It is a bad bill.

Mr. CONYERS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from New Jersey (Mr. ANDREWS).

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

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

Mr. ANDREWS. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I must correct the statement made a moment ago. This bill does not grant any privilege to one group. I presume the gentleman meant doctors. The bill refers

to ''all health care professionals,'' doctors, nurses, physical therapists, everybody in the field. It is not a cartel of one group. It is simply a mistaken fact and a misquote of the bill.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman from New York, my friend.

In our economy, actors are regulated either by litigation, regulation or competition. None of those three things applies to the oligarchs of the managed care industry.

This Congress, I am confident, is going to take a step to impose the quality control of litigation through the Patients' Bill of Rights. This bill is a very important step in imposing some competition in the health care market for the first time in a long time.

This really is about leveling the playing field. It is about reining in the conduct of the oligarchs of managed care. For that reason, I strongly support the legislation and commend the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS), my friend, for offering it.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute and 15 seconds remaining. The gentleman from California (Mr. CAMPBELL) has 1½ minutes remaining. The gentleman from California has the right to close.

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

Mr. Chairman, this Quality Health Care Coalition Act is an important antitrust exemption for doctors. I want to begin my closing remarks in general debate by merely commending the gentleman from California (Mr. CAMPBELL) for all the work that he has done on this measure and for allowing me to work with him.

Mr. Chairman, we would not be here today if we were not concerned about the doctor-patient relationship which is in crisis. We are giving an exemption that the labor movement already has. This is not ground-breaking legislation. It sunsets in 3 years. The original costs were based on a 10-year basis; and of course, it is only going to run for 3 years.

The managed care market has consolidated. Some of my colleagues may know that some doctors are in very dire circumstances. Private practices are in decline.

Mr. Chairman, I urge my colleagues to support the antitrust exemption for doctors.

Mr. CAMPBELL. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I also compliment the gentleman from California (Mr. CAMPBELL) for bringing this forward. The American health care system has many players, but doctors and health care providers are essential. They are the essential players. They are on the frontline making life and death decisions every day, and they are being picked apart.

Fees are cut unilaterally. Their medical advice that they are giving to patients is being countermanded by nondoctors, and they have no say in this situation the way it has come today. We have come to this that if we do not make these changes today, we are jeopardizing the best health care system in the world. People who want to enter and stay in the medical profession are looking outward at other options because, frankly, not only is the remuneration not there, and the respect is not there, but they are not able to carry out their advice to patients because they are being countermanded.

Mr. Chairman, that is what makes this legislation essential. I commend the gentleman from California (Mr. CAMPBELL) for bringing this to the floor tonight. I hope we will give it a resounding ''yes'' for American health care, for doctors, the providers, and the patients.

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

Mr. Chairman, the key point I want to stress in closing is that this does not create a union of doctors. The words ''collective bargaining'' only occur in the statute with reference to an antitrust exemption already in law for unions. We do not use the words ''collective bargaining'' at all with regard to health care professionals.

We explicitly say ''there shall be no right to strike,'' in case somebody thought there might be. No right to cease work that does not already exist. The bill has a 3-year sunset, and it explicitly provides the right for individuals not to be choosing an exclusive bargaining agent; and hence there is no need for the regulatory oversight such as the NLRB provides.

Ms. DELAURO. Mr. Chairman, today I cast my vote in support of the Quality Health Care Coalition Act, because I believe that physicians and other health care professionals should be on an equal playing ground when they negotiate contracts with health plans. The Quality Health Care Coalition Act would provide limited relief from the antitrust laws by allowing self-employed physicians to negotiate collectively with large managed care organizations regarding contract terms that protect patient confidentiality, increase patient choice and improve quality of care. It would restore balance in the market by increasing physicians' power to negotiate for their patients with large managed care organizations. It would not force health plans to accept terms and conditions sought by health care professionals, it would simply allow physicians to band together as a bargaining unit for purposes of negotiation.

Unfortunately, this bill has been plagued by ''poison pill'' amendments, designed to divide and conquer the long-time supporters of this legislation. Representative TOM COBURN, authored a poison pill amendment that attempts to limit access to legal abortions. Mr. COBURN's amendment would restrict health care professionals from discussing health insurance coverage for abortions. Many fear that this restriction could prevent physicians not only from negotiating coverage for legal abortions, but also prevent them from discussing methods and procedures for providing referrals elsewhere. I joined my pro-choice colleagues in voting against this amendment. However, this amendment passed.

As was the intention of this poison pill, this left me and my pro-choice colleagues with a Hobson's choice—an affirmative vote for physicians and patients tied to a restriction on choice or a negative vote against physicians and patients to prevent an anti-choice measure from going forward.

I voted for final passage of this legislation with the hope that the Coburn amendment will be struck when this bill reaches conference with the Senate. If this legislation proceeds through conference and reaches the President's desk with the anti-choice Coburn amendment intact, I urge the President to veto the bill.

Mr. POMEROY. Mr. Chairman, H.R. 13204, which provides a broad exemption from federal anti-trust laws for health care professionals, is intended to restore parity between providers and third-party payers. I believe that this is a good intention, and I agree that in some markets, third-party payers have taken a hold so strong as to be able to dictate health care fees and standards.

As a former state insurance commissioner, however, I know that the answer is not to completely tilt the scales in the opposite direction. No other organization or segment of our economy, except for Major League Baseball, enjoys such a broad, federal anti-trust exemption. Even the Business of Insurance is regulated under the McCarran Ferguson Act.

Unfortunately, some proponents of this legislation have misinterpreted that McCarran Ferguson Act. They have stated that this act gives the insurance industry an exemption from anti-trust laws, and that H.R. 1304 simply levels the playing field for health care providers. Mr. Chairman, I want to emphasize something for my colleagues: the McCarran Ferguson Act creates a partial exemption for the business of insurance that is regulated by state law. Activities that do not relate to the business of insurance—such as a health plan's negotiations with health care providers—are still subject to federal antitrust laws.

As a representative of rural America, I am also concerned about the effect this legislation will have on quality of care. H.R. 1304 would allow unrestrained, unregulated price fixing by all of the health care providers in a given market. Such price-fixing schemes would give physicians a monopoly within their market, permitting physicians to raise their own salaries, through higher reimbursement rates, at the expense of consumers, employers and taxpayers.

Again, let me say that I know this is not the intent of the legislation or the plan of my respected colleagues and the professional organizations who support H.R. 1304. We probably do not need antitrust consumer protections for the leading, most ethical participants in the health care market. Unfortunately, in an industry as vast as health care, there will inevitably be those of other, less reputable intentions.

For those well-intentioned physicians, legitimate antitrust mechanisms already exist under which physicians and other health care providers who have formed legitimate legal entities can collaborate and negotiate with health plans. Physicians do not need exemptions from the antitrust laws to collectively discuss

quality of care issues among themselves or with these plans.

Mr. Chairman, I would be inclined to support a more moderate measure. I understand that my colleagues on the Judiciary Committee adopted an amendment that would allow H.R. 1304 to sunset in three years. In my opinion, however, three years is enough time to increase both private and public health care costs and decrease quality of care. In fact, the CBO has estimated that a three-year exemption will raise insurance premiums by 1.5% by 2003 and cost the government $1.7 billion over 5 years.

Instead I suggest that if we really want to level the playing field, we regulate these medical providers in their bargaining groups, subjecting them to oversight as we have with other organizations, from trading companies to newspaper operations.

Mr. Chairman, while well-intended, this is flawed policy. I urge my colleagues to think seriously about the effects this legislation may have on consumers, providers and payers alike. Please vote no.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of H.R. 1304, The Quality Health Care Coalition Act of 1999. As we consider this bill, let us remember what a truly bipartisan piece of legislation it has been thus far. In fact, H.R. 1304 passed the Judiciary Committee by a vote of 26–2. With that in mind, I wish to applaud Congressman CAMPBELL and Congressman CONYERS for their genuinely bipartisan efforts respecting this bill.

H.R. 1304 would modify the anti-trust laws and would apply only to conduct in conjunction with good faith negotiations. The modifications would allow health care professionals to collectively settle the terms of their contracts with health care plans. I support this legislation because I believe that health care providers should be allowed to bargain collectively with health plans and insurance providers.

In my state of Texas, although we already passed legislation that allow health care professionals to jointly negotiate, this is limited only to physicians in Texas. So, national or regional health plans still have a stronger negotiating power whereas a federal law would help address this imbalance.

Since 1994, there have been 275 mergers and acquisitions of health plans. With this recent wave of consolidations, seven giant health care insurers have come to dominate the marketplace and 80% of all Americans get their coverage through managed care.

The enormous size of these companies allows insurers to not only control the cost of, but also the quality and access to health care. These powerful health plans intimidate and threaten physicians with antitrust violations in order to bar them from talking to one another and to insurers about patient care. As a result, the decisions of health care professionals have been compromised.

With the increased level of market concentration, HMOs have been practically setting the terms of contracts with health care providers, including forcing patients to accept the least expensive care and preventing patients from being fully informed of all available treatment options. Insurers should not make decisions such as these.

We rely upon health care professionals to advocate for our care. No one is comfortable with the idea of a physician who withholds treatment information! In cases where doctors are prohibited from discussing all available treatment options, it could be a matter of life or death. Health care professionals need decision-making power to determine what is best for their patients.

H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses. There is no way to predict what kind of healthcare quality issues will arise in the future. H.R. 1304 would enable healthcare providers to address managed care abuses and other patient care issues as they arise through contract negotiations.

For doctors who provide specialty services, this bill will assist them in negotiating contracts with the health care plan to make their services more readily accessible. African-American physicians especially need this bill because they face special barriers that impede their full participation in managed care networks.

African-American doctors are more likely to serve minority communities that are disproportionately low-income and severely ill. Because of these patients' special needs, African-American doctors often face the constant threat of being excluded from health plans because their patients are exceedingly sick and too costly to treat.

In my district in Houston, Texas, where 70% of the people in the 5th Ward are infected with HIV/AIDS, these patients are often poverty stricken and need special care that most managed care networks will not provide. Physicians are often forced to pay out of pocket for the cost of prescription drugs for their patients if the cost is excessive. Thus, caring for any patient with AIDS is a money-losing endeavor.

In California, a 1999 Price Waterhouse Cooper's study indicated that physicians there are filing for bankruptcy at an alarming rate because they cannot afford to provide quality care when they receive less than 50% of the cost it takes to care for a patient! These health care providers should not be punished for living up to their pledge to faithfully care for the people of America to the best of their ability.

Despite what critics may say, this bill does not allow doctors to fix the prices of their services. Price-fixing is illegal and will remain illegal under H.R. 1304. Health care professionals support this legislation because they want the ability to negotiate with HMOs in order to do their jobs and provide quality care for their patients. Although doctors will be able to join together to negotiate the terms of their contracts, they will not be able to determine the actual prices for services.

This bill simply places doctors on the same level of market power as the health care plans. In fact, the oversight currently exercised by the Department of Justice and the Federal Trade Commission would remain intact so that H.R. 1304 would not decrease their authority to prosecute health care professionals for illegal activities such as exclusive dealing or price-fixing.

Critics claim that allowing health care professionals the right to collectively bargain would permit professionals like nurse practitioners and chiropractors to be discriminated against. I continue to be approached by organizations like the Academy of Nurse Practitioners, The Texas Chiropractic Association and the American Chiropractic Association who are sincerely concerned about the negative effect this legislation will have on their ability to continually serve their patients.

As a result of their concerns I introduced an amendment, along with Representative Nadler that clarifies our objective to not sanction discriminatory practices between physicians and health insurers.

This amendment, which is included in H.R. 1304 includes several important safeguards. The bill would prohibit any group of health care professionals from negotiating contract language which limits any other group of professionals from doing work that they are licensed to do under applicable scope of practice acts and regulations. In addition, Medicaid managed care plans, Medicare+Care plans and plans covering federal employees are excluded from the legislation. Finally, the bill sunsets after three years, unless re-approved by Congress.

If the insurance industry is allowed a special exemption under the antitrust laws, physicians who act on behalf of their patients should also be able to ensure that the contracts they enter are not detrimental to patient care.

Currently, the bargaining power of managed care organizations dwarfs the bargaining power of individual physicians and other professionals. As a result, insurers are able to impose contracts on a take-it-or-leave-it basis, no matter how egregious the contract terms. Physicians often have no choice but to sign the contracts offered. Otherwise, they run the risk of losing a large share of their patients and being force out of business. These one-sided contracts often violate professional and ethical standards and prevent practitioners from providing adequate care.

Of course, the health insurers claim the bill would drive up costs. But note what they are really saying is if they take a hit in their own profits, they will seek to make up for the loss by charging patients more for the same services. With this in mind, we know that any resulting increases in medical cost will not be due to the passage of H.R. 1304, but will be the direct result of greed.

Because this bill has already been through an intense amendment process in the Judiciary committee where four amendments were adopted by a vote of 26–2, I ask my colleagues not to allow additional amendments to this important legislation. There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be purely insurance driven attempts to destroy the bill. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unnecessary and burdensome requirements would harm patients and effectively gut the bill.

This legislation would enable medical professionals to serve their patients in the way their best medical judgement indicates. And to do that, they will occasionally have to present a united front to a group of HMOs. Mr. Speaker, this is a key vote for medicine and therefore, I urge my colleagues to support this legislation as presented by the Judiciary.

Mr. GOODLING. Mr. Chairman, I rise in opposition to H.R. 1304. I have many concerns regarding this bill, but I wish first to focus on one: is cost. The bill before the House costs $6.1 billion in mandatory federal funds, yet does not include a single penny to pay for it. Ordinarily, legislation like this would be subject to several Budget Act points of order for this failure, but the rule waived all those points of order. For what does this bill spend federal money? It increases doctors' incomes!

Since the bill doesn't spell out how to pay for this $6.1 billion benefit to doctors, the money will have to come out of the existing federal budget. My colleagues know that the federal budget includes the National School Lunch Act, a program that provides a healthy nutritious meal to millions of school age children across this country. If I had $6 billion to spend, I think I would use some of that money for school lunches, rather than for forming doctor cartels.

My colleagues know that the federal budget includes the Individuals with Disabilities Education Act, a program ensuring that children with disabilities will received an education. This is a program that is woefully underfunded, where we have never met our 40 percent of funding commitment. If I had $6 billion to spend, I think I would use some of that money for educating children with disabilities instead of for hiking the net worth of doctors.

The federal budget also includes student aid programs in the Higher Education Act—programs that help students across this country attend college. If I had $6 billion to spend, I think I would use some of that money for student aid instead of for increasing doctors' incomes. The federal budget includes healthcare; it includes Social Security; it includes aid for farmers, including crop insurance; it includes our national defense; it includes programs for literacy. If I had $6 billion to spend, I think I would use some of that money for these worthy purposes, rather than for lining the pockets of doctors.

As a matter of fact, I can't think of a single current program, issues, or concern that should receive a lower priority than this bill.

On the issue jurisdiction, Mr. Chairman, I want the record to reflect that I have been making the point—repeatedly—for the past year that H.R. 1304 is a labor bill that should have been referred to the Workforce Committee.

I am going to include in the record a memorandum prepared by the American Law Division of the Congressional Research Service, discussing case law and House precedent in support of the Workforce Committee's jurisdiction over H.R. 1304.

I know that sometimes issues do not lend themselves to easy sound bites. Sometimes they require a bit of patience to understand. I want members to understand that this bill is a labor bill—and a very bad labor bill at that.

If this bill becomes law, health care costs will skyrocket, and Congress will have granted a group of professionals the rights of collective bargaining without any corresponding responsibilities.

H.R. 1304 allows doctors and other health care professionals to band together and collectively bargain. This is done by exempting them from the antitrust laws. The Supreme Court has held that the ''nonstatutory labor exemption'' which this bill extends to doctors is a concept arising in labor law, and is applicable only in the context of labor law. Simply put, H.R. 1304 is about collective bargaining, and it is a labor bill. It is a flawed labor bill because it grants rights similar to those contained in the National Labor Relations Act, but fails to provide any mechanism to make sure those rights are effective, or fair.

Mr. Chairman, on all counts this six billion dollar special interest gift is misguided, irresponsible, and unnecessary. I urge my colleagues to vote against this legislation.

The aforementioned memorandum follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 12, 1999.

MEMORANDUM

To: Honorable Bill Goodling, Chairman House Committee on Education and the Workforce

From: Morton Rosenberg, Specialist in American Public Law, American Law Division

Subject: Jurisdictional Basis for Referral of H.R. 1304, the Quality Health-Care Coalition Act of 1999 to the Committee on Education and the Workforce

On March 25, 1999, Representative Campbell, for himself and 27 co-sponsors, introduced H.R. 1304, the Quality Health-Care Coalition Act of 1999, which was referred to the House Judiciary Committee. The purpose of the bill is stated in its preamble to be ''[t]o ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relation Act.'' The bill makes a congressional finding that ''[p]ermitting health care professionals to negotiate collectively with health care plans will create a more equal balance of negotiating power, will promote competition, and will enhance the quality of patient care.'' Section 2(4). The purpose of the bill is to be accomplished by treating health care professionals who are engaged in bargaining with health care plans and health insurance issuers as if they were employees in collective bargaining units under the National Labor Relation Act (NLRA) and by entitling all parties to such negotiations ''to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relation Act are entitled in connection with such collective bargaining.'' Section 3(a). Health care professionals are denied any right to strike ''not otherwise permitted by law.'' The proposed legislation is silent with respect to mechanisms for resolving disputes that may occur during the collective bargaining process or as to the establishment and enforcement of a legal ''duty to bargain.''

You inquire whether your Committee has a substantial claim to jurisdiction over H.R. 1304. From our review, it would seem that the broad authority delegated to the Committee under House Rule X(g)(6) over labor matters generally, its long history of legislative action and oversight with respect to subject matter that is the same or closely analogous to that of H.R. 1304, and the essentially labor-related nature and orientation of the bill's core operational provision, which imparts antitrust immunity to bargaining decisions over wages, hours and conditions of employment, establish a substantial basis for arguing for sequential referral of the bill to your committee.

The courts have provided significant guidance in determining the appropriate jurisdiction and authority of legislative committees. A congressional committee is a creation of its parent House and only has the power to inquire into matters within the scope of the authority that has been delegated to it by that body. Therefore, the enabling rule or resolution which gives the committee life or particular direction is the charter which defines the grant and the limitations of the committee's power. *United States* v. *Rumely*, 345 U.S. 41, 44 (1953); *Watkins* v. *United States*, 354 U.S. 178, 201 (1957); *Gojak* v. *United States*, 384 U.S. 702, 708 (1966). In construing the scope of a committee's authorizing rule or resolution, the Supreme Court has adopted a mode of analysis not unlike that ordinarily followed in determining the meaning of a statute: it looks first to the words of the resolution itself, and then, if necessary, to the usual sources of legislative history. As explained by the Court in *Barenblatt* v. *United States*, 360 U.S. 109, 117 (1959), ''Just as legislation is often given meaning by the gloss of legislative reports, administrative interpretation, and long usage, so the proper meaning of an authorization to a congressional committee is not to be derived alone from its abstract terms unrelated to the definite content furnished them by the course of congressional actions.''

Thus, the starting point for analysis is the House's delegation of jurisdictional authority under Rule X. Under Rule X (g) (6) and (7) the Committee on Education and the Workforce is currently vested with jurisdiction over matters relating to ''education and labor generally'' and ''mediation and arbitration of labor disputes,'' and has been so vested with the same authority for at least 30 years. In addition, Rule X(2)(b)(1) directs each standing committee to:

''Review and study on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies or entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed or eliminated. In addition, each such committee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee.''

In turn, this oversight obligation of standing committees is buttressed by the express grant under Rule XI (1)(B)(1) to each committee of authority ''at any time to conduct such investigations and studies as it may consider necessary and appropriate in the exercise of its responsibilities under Rule X.'' Thus, on its face, your Committee has been vested with broad legislative and oversight jurisdiction over laws, proposals and activities that implicate labor relations generally and collective bargaining particularly, and in the past the Committee and its immediate predecessor, the Committee on Education and Labor, has dealt with subject matter and issues directly analogous to those found in H.R. 1304.

In the 92d Congress, the Special Subcommittee on Labor of the Committee on Education and Labor held hearings on H.R. 11357, a bill to repeal the NLRA's exemption for coverage of employees of private nonprofit hospitals which was added by the Taft-Hartley Amendments of 1947. A critical issue was whether affording NLRA coverage for health care institutions would result in increased strikes which could endanger patient care. The Committee's hearings revealed that, in fact, recognition strikes and labor unrest had increased at the exempt hospitals in contrast with the situation at covered proprietary hospitals. The bill, which was unanimously reported by the full Committee and passed the House on August 7, 1972, contained a number of special provisions designed to facilitate bargaining settlements (i.e., a 90 day notice requirement of termination or expiration of a contract, a 60 day

notice of termination or expiration to the Federal Mediation and Conciliation Service (FMCS), and a requirement that a health care institution and a labor organization had to participate in mediation if so directed by the FMCS), and that a health care institution had to be given a 10 day notice by a labor organization before any picketing or strike could take place. No action was taken by the Senate on that bill. An identical bill was re-introduced in the 93d Congress, H.R. 1236, and hearings were held by the Special Subcommittee in Labor on April 12 and 19, 1973. A new modified bill, H.R. 13678, was subsequently introduced, reported by the full Committee, passed the House on July 11, 1974, and was signed by the President on July 26, 1974. The new law contained the Committee proposed bargaining facilitation and picketing and strike notification provisions.

The Committee's interest in the bargaining rights of health care professionals in non-proprietary hospitals continued after the 1974 health care amendments. In the 94th Congress the Committee held a hearing to consider a National Labor Relations Board (Board) decision denying coverage of the NLRA to hospital interns, residents and follows (housestaff) on the grounds that they were students and not employees. In the 95th and 96th Congress's the Committee held hearings on legislation to amend the NLRA to expand the definition of professional employees covered under collective bargaining provisions to include hospital interns, residents and housestaff. In the 98th Congress Committee held oversight hearings on two NLRB decisions in 1982 and 1984 involving St. Francis Hospital that adhered to earlier Board decisions with respect to NLRA coverage of housestaff employees.

In the 97th Congress the Committee held hearings to consider Health Care Financing Administration (HCFA) guidelines permitting medical reimbursement to hospitals and nursing houses for the costs of influencing employee organizing activities conducted under the NLRA.

In the 103d Congress the Committee held hearings on H.R. 226, The Live Performing Artist Labor Relations Act, a bill that would have amended the NLRA to define the employer-employee relationship between musicians and purchasers of musical services, permitted employers to enter into pre-hire agreements with unions representing live performing artists, and allowed for the establishment of employee collective bargaining rights in the performing arts industry.

In the 101st, 102d, and 103d Congresses the Committee held hearings on proposed legislation to extend coverage of the NLRA and the Fair Labor Standards Act to seamen working on foreign flag, U.S.-owned cargo vessels regularly engaged in U.S. foreign trade or on foreign flag passenger ships operating primarily from U.S. ports. The bills were intended to address alleged problems with union organization, wages, and working conditions aboard foreign flag cruise ships whose contact with the U.S. is central to their business, and aboard U.S.-owned vessels registered with so-called flag of convenience countries allegedly for the purpose of exempting the vessels from U.S. labor laws.

Finally, reference may be made to evidence of your Committee's historic interest in the so-called nonstatutory labor exemption to the antitrust laws which is incorporated as the key operational provision of H.R. 1304. See Section 3(a). The nonstatutory labor exemption is a creation of the Supreme Court founded on its recognition that the antitrust laws could not be applied with full force to the parties to a collective bargaining relationship if the compulsory collective bargaining policies of the labor laws were to be successfully realized. To ''accommodate . . . the congressional policy favoring collective bargaining under the [NLRA] and the congressional policy favoring free competition business markets,'' the Court recognized an implicit exemption to the antitrust laws applicable to certain conduct by unions and employers alike. *Connel Construction Co.* v. *Plumbers and Steamfitters, Local Union No. 100,* 421 U.S. 616, 622 (1975); *See also,* Local No. 189, *Amalgamated Meat Cutters* v. *Jewel Tea Co.*, 381 U.S. 676 (1965); *United Mine Workers* v. *Pennington,* 381 U.S. 657 (1965). The Supreme Court has explained that the nonstatutory exemption is a labor law concept and is part of the broad, independent body of law that encourages and protects the collective organizational and bargaining processes:

''Federal policy as . . . developed not only a broad labor exemption from the antitrust laws, but also a separate body of labor law specifically designed to protect and encourage the organizational and representational activities of labor unions. Set against his background, a union, in its capacity as bargaining representative, will frequently not be part of the class the Sherman Act was designed to project, especially in disputes with whom it bargains.''

Association Gen. Contractors of California, Inc. v. *California State Council of Carpenters,* 459 U.S. 519, 339–40 (1983).

The rationale of the nonstatutory exemption as enunciated by the High Court mandates that concerted conduct by management or by labor organizations in a collective bargaining relationship is exempt from antitrust attack as long as it principally affects the employees' terms and conditions of employment. Labor market restraints reached through the collective bargaining process are immune from antitrust scrutiny when three conditions are met: (1) the restraints primarily affect only the parties to the collective bargaining agreement; (2) the restraints concern mandatory subjects of bargaining; and (3) agreement on the restraints was the product of bona fide arms-length bargaining or the restraints were implemented during on ongoing collective bargaining relationship.

The most recent Supreme Court articulation of these precepts and understandings was in *Brown et al.* v. *Pro Football, Inc.,* 518 U.S. 231 (1996). That case involved an antitrust suit by professional football players against team owners of the National Football League charging that the unilateral imposition of a salary cap on ''developmental squad'' players after a collective bargaining contract had expired and after an impasse in bargaining had been reached, was a violation of the antitrust laws. The Court held that employers may lawfully form multiemployer bargaining groups and agree amongst themselves to impose controls on a labor market as long as those actions ''grew out of'' and were ''directly related to'' a multiemployer bargaining process, did not offend the federal labor laws that sanction and regulate that process, affected terms of employment subject to compulsory bargaining, and directly concerned only parties to the collective bargaining relationship. *Brown,* 518 at U.S. at 250. Neither the expiration of a collective bargaining agreement nor the reaching of an impasse serves to terminate the bargaining relationship. Thus lawful unilateral actions taken by the multiemployer group were held immune from antitrust scrutiny. In the course of its opinion, the Court reviewed the development of the implicit labor exemption, noting that it finds its support in both the history of and logic of the *federal labor laws:*

''The immunity before us rests upon what this Court has called the 'nonstatutory' labor exemption from the antitrust laws. . . . The Court has implied this exemption from federal labor statutes, which set forth a national labor policy favoring free and private collective bargaining, see 29 U.S.C. §151; *Teamsters* v. *Oliver,* 358 U.S. 283, 295 (1959); which require good-faith bargaining over wages, hours, and working conditions, see 29 U.S.C. §§158(a)(5), 158(d); *NLRB* v. *Wooster Div. of Borg-Warner Corp.*, 356 U.S. 342, 348–349 (1958); and which delegate related rule-making and interpretive authority to the National Labor Relations Board (Board), see 29 U.S.C. §153; *San Diego Building Trades Council* v. *Garmon,* 359 U.S. 236, 242–245 (1959).

''This implicit exemption reflects both history and logic. As a matter of history, Congress intended the labor statutes (from which the Court has implied the exemption) in part to adopt the views of dissenting Justices in *Duplex Printing Press Co.* v. *Deering,* 254 U.S. 443 (1921), which Justices had urged the Court to interpret broadly a different *explicit* 'statutory' labor exemption that Congress earlier (in 1914) had written directly into the antitrust laws. *Id.,* at 483–488 (Brandeis, J., joined by Holmes and Clarke, JJ., dissenting) (interpreting §20 of the Clayton Act, 38 Stat. 738, 29 U.S.C. §52); see also *United States* v. *Hucheson,* 312 U.S. 219, 230–236 (1941) (discussing congressional reaction to *Duplex*). In the 1930's, when it subsequently enacted the labor statutes Congress, as in 1914, hoped to prevent judicial use of antitrust law to resolve labor disputes—a kind of dispute normally inappropriate for antitrust law resolution. See *Jewel Tea, supra,* at 700–709 (opinion of Goldberg, J.); *Marine Cooks* v. *Panama* S. S. Co., 362 U.S. 365, 370, n. 7(1960); A. Cox, Law and the National Labor Policy 3–8 (1960); cf. *Duplex, supra,* at 485 (Brandeis, J., dissenting) (explicit 'statutory' labor exemption reflected view that 'Congress, not the judges, was the body which should declare what public, policy in regard to the industrial struggle demands'). The implicit ('nonstatutory') exemption interprets the labor statutes in accordance with this intent namely, as limiting an antitrust court's authority to determine, in the area of industrial conflict, what is or is not a 'reasonable' practice. It thereby substitutes legislative and administrative labor-related determinations for judicial antitrust-related determinations as to the appropriate legal limits of industrial conflict. See *Jewel Tea, supra,* at 709–710.

''As a matter of logic, it would be difficult, if not impossible, to require groups of employers and employees to bargain together, but at the same time to forbid them to make among themselves or with each other *any* of the competition-restricting agreements potentially necessary to make the process work or its results mutually acceptable. Thus, the implicit exemption recognizes that, to give effect to federal labor laws and policies and to allow meaningful collective bargaining to take place, some restraints on competition imposed through the bargaining process must be shielded from antitrust sanctions. See *Connell, supra,* at 622 (federal labor law's 'goals' could 'never' be achieved if ordinary anti-competitive effects of collective bargaining were held to violate the antitrust laws); *Jewel Tea, supra,* at 711 (national labor law scheme would be 'virtually destroyed' by the routine imposition of antitrust penalties upon parties engaged in collective bargaining); *Pennington, supra,* at 665 (implicit exemption necessary to harmonize Sherman Act with 'national policy . . . of promoting 'the peaceful settlement of industrial disputes by subjecting labor-management controversies to the mediatory influence of negotiation) (quoting *Fibreboard Paper Products Corp.* v. *NLRB,* 379 U.S. 203, 211 (1964).''

518 U.S. at 235–37 (emphasis in original).

Your committee's most recent opportunity to address the implications of the nonstatutory exemption was in the context of the 1994 Major League Baseball labor-management dispute which resulted in the cancellation of part of that years regular season as well as the World Series. The Committee's Subcommittee on Labor-Management Relations had before it for consideration H.R. 5095, the Major League Play Ball Act of 1995, which would have required mandatory binding arbitration of the baseball strike if the strike was not resolved by the players and owners by February 1, 1995; and H.R. 4994, which would have partially created antitrust law exemption for major league baseball. The crucial issue before the Subcommittee was whether baseball's unique antitrust exemption was the cause of the sport's seemingly endemic labor unrest, and whether repeal of the exemption would be proper resolution. Uncontradicted testimony elicited at the hearing made it clear that even if baseball's judicial exemption were eliminated, the nonstatutory labor exemption would remain.

ANALYSIS AND CONCLUSION

The Committee on Education and the Workforce (and its predecessor) has been vested by the House with plenary legislative and oversight jurisdiction over matters relating to ''labor generally'' as well as the ''mediation and arbitration of labor disputes,'' and over the years has engaged in legislative and oversight actions encompassing the fullest range of activities directly or indirectly within the broad purview of that assigned subject matter. H.R. 1304 attempts to deal with emerging difficulties of the key actors in the health care industry.—health care professionals, health plans, and health insurance issuers—to reconcile their divergent interests and concerns with respect to HMO's. Court decisions have raised antitrust issues with respect to certain resolutions. Also, a recent unit determination decision by a regional office of the NLRB found that a group of doctors seeking to be certified by the Board as the exclusive bargaining representative at an HMO were independent contractors and therefore not employees eligible to be covered by the NLRA.

H.R. 1304 proposes to overcome these legal difficulties by legally deeming health care professionals who wish to bargain with HMO's or insurance companies as employees in collective bargaining units under the NLRA, and then cloaking the products of negotiations with the equivalent of the nonstatutory labor exemption to the antitrust laws. Perhaps because on the face of the bill it appears to be primarily concerned with traditional antitrust law issues—Section 3 (d)(1) defines the term ''antitrust laws'' as referencing provisions in the Clayton Act and the Federal Trade Commission Act—it was referred to the Judiciary Committee. But in fact the principal thrust of the bill is to import a judicial construct—the implied labor antitrust exemption—that is well understood as applicable exclusively in the context of labor law. As indicated in the discussion of the Supreme Court decisions in this area, the implied exemption emanates from the national labor laws alone and when applicable displaces the antitrust laws. Also key in H.R. 1304 is the notion that health care professionals should bargain collectively with HMO's and insurers, again a concept rooted firmly in labor relations. Thus the two essential concepts of the proposal are labor relations—related. They may be also be seen as ''incomplete.'' For example, though collective bargaining appears contemplated, there is no definition or requirement of a ''duty to bargain,'' no mechanism to resolve disputes that might arise during the bargaining process, not any enforcement mechanism to ensure good faith bargaining, which presumably is the ultimate goal of the execise.

This is not say that any such provisions are necessary. But given the strong labor orientation of the bill, the Committee's labor expertise and perspective could be brought to bear on the issues. As has been catalogued above, the Committee in the past has dealt with legislative proposals and engaged in oversight of activities comparable to the subject matter and concerns raised by H.R. 1304. The 1974 private non-proprietary health care institutions amendments to the NLRA and 1994 hearings on legislation dealing with the antitrust implications of the baseball strike are among the prominent and analogous examples which evidence the Committee's past concerns in this area.

Mr. TIAHRT. Mr. Chairman, I arise today in opposition to H.R. 1304, the Quality Health Care Coalition Act. This may surprise some as I became a cosponsor of this bill last summer. I strongly believe that we need to improve the quality of and access to our nation's health care system and support measures to do so. I originally felt that exempting negotiations between groups of health care professionals and health from antitrust laws would be an important step towards fostering continued patient safety and quality of care. Upon further reflection, however, I have changed my opinion. Despite its name, I believe that this bill has nothing to do with health care quality and will only impede efforts to improve access and quality.

This legislation will be a major burden to employers and employees—the exact people we should be trying to help. A CBO study shows that the increased costs to health insurance companies as a result of physician collective bargaining will surely be passed on to employers who provide health care coverage to their employees. This will either result in less employers providing coverage or less overall wages and benefits for employees. Neither of these is an acceptable outcome. The costs will not go towards patient care but towards sustaining doctor unionization and salary hikes. This bill also allows for physician boycotts of health plans, an outcome that could have a devastating effect on insurance plans in rural areas that already struggle to survive. I do not see how these effects will improve the quality of our health care.

Additionally, I am disturbed by CBO's finding that if enacted H.R. 1304 will costs the taxpayers $3.6 billion dollars in lost revenue over the next ten years. We all know where these lost revenues will be made up—through Social Security and Medicare. We have made a pledge to protect the Social Security surplus and shore up Medicare, a pledge we must honor. We cannot support the so-called doctor cartels at the expense of our senior citizens.

I have carefully considered this bill over the last two months. Since April, as this bill approached the floor, I have not received any support for H.R. 1304 from physicians in my district. Without their urging and upon realizing the devastating effect H.R. 1304 could have on our health care system, I decided to vote against the Quality Health Care Coalition Act.

I consider my vote today a vote for increased access to health care and to move affordable health care for everyone. We all owe a debt of gratitude to the lengths physicians must go to be ready to serve our health care needs. I honor their dedication and am proud that the very highest quality health care in the world is within our borders. While I want and encourage our best and brightest to become doctors, I do not think this bill will be helpful in the long run. Therefore, I urge my colleagues, even those who at first blush might have been favorably disposed to this, to vote against H.R. 1304.

Mr. CROWLEY. Mr. Chairman, today, most American families receive their health coverage from managed care providers. In recent years, physician and patients have lost control over this market due to the rapid consolidation of managed care organizations.

I am a proud co-sponsor of the Quality Health-Care Coalition Act, which would allow health care professionals to collectively bargain the terms of patient car with Health Care Organizations. Currently, physicians are forced to accept contracts, which often contain provisions that threaten the quality of patient care. In addition, many health plans impose gag rules on physicians that force them to accept arbitrary reimbursement rates with no thought to the quality of care being provided to the patient. These days, dominant health plans are not just managing costs, they are also determining the level, type, frequency and hoops patients most jump through in order to receive their health care.

Being married to a nurse has helped me recognize the issues many health care professionals encounter each day. H.R. 1304 would help physicians and other health care professionals fight for better patient care by beginning to level the playing field between enormous, controlling managed care plans and individual physicians and other health care professionals. H.R. 1304 would provide physicians enough leverage to effectively negotiate the terms of patient care with Managed Care Organizations. In essence, this bill would restore a physician's ability to provide quality care to patients without any interference from an HMO. Additionally, H.R. 1304 would promote the fairness and balance the health care marketplace needs and lacks today.

Those who oppose this legislation argue that patients would not be protected under this bill. However, that is a false satement. H.R. 1304 guarantees the protection of patients by requiring the U.S. General Accounting Office to study the impact of this bill over a three-year trial period before Congress would be allowed to reauthorize the bill.

The Quality Health Care Coalition Act is an important piece of legislation that would ensure the provisions of optimal health care to all patients in New York City and the rest of the country. I urge you to support this bill because all patients and their health care providers should have the right to make informed decision about their health care needs—without being subjected to the rules of an HMO.

Mr. PALLONE. Mr. Chairman, I rise in support of the Quality Health Care Coalition Act. It is a good piece of legislation and I urge all of my colleagues to join me in supporting it.

As you know, Mr. Chairman, current antitrust law prohibits health care professionals, including doctors, dentists, pharmacists, and nurses from banding together to negotiate with managed care organizations. Although this prohibition alone has stacked the deck against health care professionals seeking to protect both themselves and their patients from managed care abuse, consolidations in the health insurance industry have exacerbated this imbalance even further over the last several years.

To complement the enhanced negotiating power they have accrued through mergers and acquisitions, managed care organizations also use exclusionary contracting practices to bully health care professionals into accepting terms they surely would not accept if they were able to negotiate on a level playing field. These trends have enabled insurers to employ a ''take it or leave it'' approach when negotiating with health care professionals. As a result, the doctor-patient relationship has been compromised and the quality of care for all patients has suffered.

I have heard many first hand accounts of these abusive practices from the New Jersey Medical Society, the New Jersey Pharmacists Association, and countless other physicians with whom I have met over the last several years. We must put an end to them.

The Quality Health Care Coalition Act would correct this problem by giving health professionals the tools they need to band together when negotiating with managed care organizations. This enhanced negotiating power will level the playing field and allow health professionals to stand up for what's right and make medical judgments based on patients' medical needs rather than the managed care industry's financial motivations.

Vote ''yes'' on final passage.

Mr. PAUL. Mr. Chairman, I am pleased to take this opportunity to lend my support to H.R. 1304, the Quality Health Care Coalition Act, which takes a first step towards restoring a true free-market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Security Act (ERSIA), and the federal anti-trust laws. These interventions took control of the health care dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government's control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patents and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals' freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company.

As an OB–GYN with over 30 years in practice, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I have tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I have always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of the HMO in today's health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals to negotiate with HMOs on a level playing field, it, like existing antitrust laws, are an unconstitutional violation of medical professionals' freedom of contract and association.

Under the United States Constitution, the federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory: that federal regulators can improve upon market outcomes by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others. In fact, Mr. Speaker, I would hope that my colleagues would see the folly of antitrust laws and support my Market Process Restoration Act (H.R. 1789), which repeals all federal antitrust laws.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. I am quite pleased that this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. Contrary to the claims of some of its opponents, H.R. 1304 in no way extends the scourge of federally-mandated compulsory unionism to the health care professions. While Congress should protect the right of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Mr. Chairman, it is my hope that Congress will follow up on its action today by empowering patients to control their health care by providing all Americans with access to Medical Saving Accounts (MSAs) and large tax credits for their health care expenses. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that they found most beneficial to them, the HMO monster would wither on the vine without the imposition of new federal regulations on the insurance industry.

In conclusion, Mr. Chairman, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to American's health care professionals. Antitrust laws are no more legitimate or constitutional in the health care market than they are on the software market. Therefore, I hope my colleagues will not just pass this bill but will also support my Market Process Restoration Act and exempt all Americans from antitrust laws. I also urge my colleagues to join me in working to promote a true free-market in health care by putting patients back in charge of the health care dollar through means such as Medical Savings Accounts (MSAs) and individual health care tax credits.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Quality Health-Care Coalition Act of 2000''.

SEC. 2. APPLICATION OF THE ANTITRUST LAWS TO HEALTH CARE PROFESSIONALS NEGOTIATING WITH HEALTH PLANS.

(a) IN GENERAL.—Any health care professionals who are engaged in negotiations with a health plan regarding the terms of any contract under which the professionals provide health care items or services for which benefits are provided under such plan shall, in connection with such negotiations, be entitled to the same treatment under the antitrust laws as the treatment to which bargaining units which are recognized under the National Labor Relations Act are entitled in connection with such collective bargaining. Such a professional shall, only in connection with such negotiations, be treated as an employee engaged in concerted activities and shall not be regarded as having the status of an employer, independent contractor, managerial employee, or supervisor.

(b) PROTECTION FOR GOOD FAITH ACTIONS.—Actions taken in good faith reliance on subsection (a) shall not be the subject under the antitrust laws of criminal sanctions nor of any civil damages, fees, or penalties beyond actual damages incurred.

(c) LIMITATION.—

(1) NO NEW RIGHT FOR COLLECTIVE CESSATION OF SERVICE.—The exemption provided in subsection (a) shall not confer any new right to participate in any collective cessation of service to patients not already permitted by existing law.

(2) NO CHANGE IN NATIONAL LABOR RELATIONS ACT.— This section applies only to health care professionals excluded from the National Labor Relations Act. Nothing in this section shall be construed as changing or amending any provision of the National Labor Relations Act, or as affecting the status of any group of persons under that Act.

(d) 3-YEAR SUNSET.—The exemption provided in subsection (a) shall only apply to conduct occurring during the 3-year period beginning on the date of the enactment of this Act and shall continue to apply for 1 year after the end of such period to contracts entered into before the end of such period.

(e) LIMITATION ON EXEMPTION.—Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise

unlawful conspiracy that excludes, limits the participation or reimbursement of, or otherwise limits the scope of services to be provided by any health care professional or group of health care professionals with respect to the performance of services that are within their scope of practice as defined or permitted by relevant law or regulation.

(f) NO EFFECT ON TITLE VI OF CIVIL RIGHTS ACT OF 1964.—Nothing in this section shall be construed to affect the application of title VI of the Civil Rights Act of 1964.

(g) NO APPLICATION TO FEDERAL PROGRAMS.—Nothing in this section shall apply to negotiations between health care professionals and health plans pertaining to benefits provided under any of the following:

(1) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) The SCHIP program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(4) Chapter 55 of title 10, United States Code (relating to medical and dental care for members of the uniformed services).

(5) Chapter 17 of title 38, United States Code (relating to Veterans' medical care).

(6) Chapter 89 of title 5, United States Code (relating to the Federal employees' health benefits program).

(7) The Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(h) GENERAL ACCOUNTING OFFICE STUDY AND REPORT.—The Comptroller General of the United States shall conduct a study on the impact of enactment of this section during the 6-month period beginning with the third year of the 3-year period described in subsection (d). Not later than the end of such 6-month period the Comptroller General shall submit to Congress a report on such study and shall include in the report such recommendations on the extension of this section (and changes that should be made in making such extension) as the Comptroller General deems appropriate.

(i) DEFINITIONS.—For purposes of this section:

(1) ANTITRUST LAWS.—The term ''antitrust laws''—

(A) has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent such section 5 applies to unfair methods of competition, and

(B) includes any State law similar to the laws referred to in subparagraph (A).

(2) HEALTH PLAN AND RELATED TERMS.—

(A) IN GENERAL.—The term ''health plan'' means a group health plan or a health insurance issuer that is offering health insurance coverage.

(B) HEALTH INSURANCE COVERAGE; HEALTH INSURANCE ISSUER.—The terms ''health insurance coverage'' and ''health insurance issuer'' have the meanings given such terms under paragraphs (1) and (2), respectively, of section 733(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(b)).

(C) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given that term in section 733(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(a)(1)).

(3) HEALTH CARE PROFESSIONAL.—The term ''health care professional'' means an individual who provides health care items or services, treatment, assistance with activities of daily living, or medications to patients and who, to the extent required by State or Federal law, possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–709. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the order of the House, 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 division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

□ 2330

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in the House Report 106–709.

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

Mr. BALLENGER. 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. BALLENGER:

Page 3, line 9, strike ''Any'' and insert ''Except as provided in paragraph (3) of subsection (c), any''.

Page 4, after line 20 insert the following:

(3) APPLICATION.—The exemption provided in subsection (a) shall not apply to the following:

(A) Any negotiations with a health plan regarding or relating to fees, payments, or reimbursement, including the methodology of such fees, payments, or reimbursement between health care professionals and health plans.

(B) Any negotiations with a health plan to permit health care professionals to balance bill patients.

(C) Any health care professional who has not submitted to and received approval from the Secretary of Health and Human Services for a plan that specifies policies and procedures to identify and reduce the incidence of medical errors.

(D) Any health care professional who has not disclosed to patients and prospective patients information regarding the professional's participation in such negotiations.

(E) Any acts by health care professionals to engage in boycotts.

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

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I still do not understand why this bill is not under the Fair Labor Standards Act. We all know that there has been a great expansion of HMOs. Large insurance companies seem to care more about the bottom line than the patients that they are supposed to serve.

These issues should be addressed. However, allowing doctors to unionize without a governing body or any enforcement mechanism is not the way to solve this problem.

This bill would create many opportunities for patients to be harmed by boycotts and other union tactics but would do nothing for patients. This means that, as presently written, there is absolutely nothing in this bill for patients.

Simply put, my amendment would guarantee that doctors are using their exempt status for quality care for their patients, not negotiating higher fees, which would lead to higher fees and raise health care costs, which would increase the present uninsured group in this country from 40 million to 50 million people in a very short period of time

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

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

Mr. Chairman, the amendment of the gentleman simply very effectively prevents negotiations over the quality of healthcare, which is what we are all about here tonight.

Among other things, it would prohibit negotiations between doctors and health plans regarding fees, payments, or reimbursement.

Why? It is not always possible to separate costs from quality. And so, by forcing physicians to refrain from negotiating fees, payments, and reimbursements, this amendment cleverly forces physicians to provide less quality health care and, thus, potentially harms patients. The result is more health plan profits and more unfair tactics.

Mr. Chairman, I hope the amendment will be rejected.

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

Mr. BALLENGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Chairman, I tell my friend the gentleman from Michigan (Mr. CONYERS) this amendment is not very clever at all. It is very straightforward.

The gentleman from New York was very concerned about the precise language used over here, and maybe he did not hear himself talk, because he used the term ''collective bargaining.'' He said doctors need collective bargaining.

Now, if this was about moving doctors under the National Labor Relations Act, where they would get collective bargaining, where there are rights associated with responsibilities, we would not have this problem.

That is not the case. What we have got are giving people the rights without the responsibilities.

Federal Trade Commission Chairman Robert Pitofsky has said, ''In every case we have brought, it is really related to doctors' income and not to patients' welfare.''

I think my colleagues can call this amendment ''trust but verify.'' If, in

fact, the doctors are really needing this suspension of antitrust to help patients, then this amendment is exactly what it will do. Trust but verify.

One: Do not negotiate regarding fees. Do not tell us that is about patients and care. It is about money.

Two: Do not cost shift. Do not cut a deal in which the patient has to bear the extra cost in balanced billing.

Three: Hey, we got a 100,000 deaths every year. How about getting some medical error structure in place before they turn them loose in terms of the ''collective bargaining.''

Let us have some truth in packaging.

And finally, this amendment says that any acts by health care professionals engaging in boycotts is not allowed.

We have all read The New York Times story about a doctor bragging about withholding medicines because the company that made the medicines was not supporting the legislation. That is about patients' care?

Very simple. Let us help doctors help patients, but we should not let doctors help doctors without this amendment to trust but verify. That is what this is all about.

We have heard slips of the tongue over here about collective bargaining, doctors should have the right to bargain collectively. It is under the guise of patients' rights.

If they want doctors to bargain collectively, put them under the National Labor Relations Act. That gives them rights and it gives them responsibilities. This legislation does not do that.

If they believe that they get a right and they have a responsibility to go with it, then the Ballenger amendment is the trust but verify. Let them have the right, but make sure they do not abuse it, not for fees, not for patient-balanced billing, not for boycotting.

If my colleagues want it for patients, everyone should vote for the Ballenger amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute.

It is so instructive that the previous speaker is from California and is talking about preventing negotiations over the quality of health care.

In California, pediatricians receive as little as $10 per month for each patient, while the average monthly cost to care for a child in the State is $24.

Now, how can a physician provide quality care for a child when he or she cannot afford to keep their practice open and then we would add this debilitating amendment?

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

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

Mr. Chairman, let us be very clear. This is not a unionization bill. My friend and colleague the gentleman from California (Mr. THOMAS) misperceives the bill.

First of all, the bill itself has explicitly in it section 2(e), a prohibition on boycott.

Secondly, the question about putting them under the NLRA and an NLRB is appropriate only if we were creating exclusive bargaining units. That is to say that the doctors would have no one else to represent them.

We are not doing that. We are simply removing the effect of a Supreme Court opinion, which, 84 years after the passage of the Sherman Act, in my judgment, erroneously applied antitrust to what is a profession. And so, we do not need the National Labor Relations Act because we are not creating exclusive bargaining units.

Furthermore, the National Labor Relations Board does not investigate the content of contracts. It never does. It exists merely to create the fair election process to determine the sole exclusive bargaining agent. Since we do not have an exclusive bargaining agent, there is no need for the labor model.

My friend the gentleman from California (Mr. THOMAS) misapprehends the purpose and effect and indeed the very words of the statute that we are proposing tonight.

As to the fundamental amendment by my friend the gentleman from North Carolina (Mr. BALLENGER) I simply put this, and it is as simple as can be said I think: If they want better quality of medicine, it might be that they have to pay for it.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. GANSKE).

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

Mr. Chairman, I think it is very important for my Republican colleagues to understand that the Campbell-Conyers bill is not a bill that will make physicians join unions. It is just the opposite.

Under current law, the only way that they can negotiate a contract is if they are salaried and then they can join a union.

Under the Campbell-Conyers bill, individual practitioners can get together, negotiate on behalf of their patients without being salaried, without being in a union.

□ 2340

This is a fundamental point to this bill that my Republican colleagues need to understand. If they are worried about physicians, ultimately all of them becoming members of a union, then vote against this bill because that is ultimately what will happen if we do not establish some level of competition.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close.

Mr. CAMPBELL. Mr. Chairman, could the Chair inform me, unless I am mistaken, I have not used any of my time. The gentleman from Michigan (Mr. CONYERS) yielded to me.

The CHAIRMAN. The time is controlled by the gentleman from Michigan (Mr. CONYERS).

Mr. CAMPBELL. Mr. Chairman, I apologize. I misunderstood. Then I would ask my colleague, the gentleman from Michigan (Mr. CONYERS), to yield me 30 seconds.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has the right to close and the gentleman from Michigan (Mr. CONYERS) has 30 seconds remaining. The gentleman from North Carolina (Mr. BALLENGER) has 1 minute remaining.

Mr. BALLENGER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, let us listen to what people say who have to enforce the law. Federal Trade Commission Chairman Robert Pitofsky again says, the stated goal of this bill is to promote quality of patient care. The labor exemption, however, was not created to solve issues regarding the ultimate quality of products or services consumers receive. Collective bargaining rights are designed to raise the incomes and improve working conditions of union members. We do not rely on the United Auto Workers to bargain for safer cars. Joe Klein, assistant Attorney General of the Justice Department's Antitrust Division, says this about 1304: The AMA could pull every single doctor together or its local doctors and go to each and every HMO or managed care program and say we will not work for you unless you pay us X. That is unprecedented, irrational economic power.

That is all the doctors are asking for.

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

Mr. CONYERS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this amendment effectively prevents negotiations over the quality of health care. It would prohibit negotiations regarding fees, payments or reimbursements, and therefore undercuts the whole bill. We do not want a bill or an amendment that forces physicians to provide, quote, ''the least costly,'' unquote, care, or a bill that denies payments to health professionals for care already provided.

Mr. Chairman, I am strongly opposed to this amendment, which would require pre-approval from the FTC or the Department of Justice to health care groups which comprise 20 percent or more of a given specialty area for a particular market area before they can engage in collective negotiations. This amendment would gut the bill and decimate the beneficial aspects of the legislation.

We have never required a labor union to obtain antitrust pre-approval to have the right to collectively bargain, and there is no reason to require it in the context of health care negotiations. As a matter of fact, such a requirement would be in many respects even more onerous than current law for health care professionals. Unlike Hart-Scott-Rodino, the bill has no time frames or deadlines, so the approval process could go on indefinitely. Delays would be compounded by the provisions allowing for public comment on each application. The amendment could also necessitate large filing fees, which would in essence serve as a tax on health care.

The limitation raises several very serious concerns.

First, there is no guidance as to the meaning of what a particular specialty or subspecialty is or how the market is to be determined. Is gynecology different than fertility? Are these the same field or two separate fields? And how would the bill apply if two separate subgroups of health care providers sought to form a collective bargaining group? Would you add up the numbers for each specialty or would this create a whole new field?

Second, under the amendment, it is up to the group of health care providers to determine if the 20 percent threshold applies. How is the group supposed to have any idea what the relevant market is or what their market share is? Only the government is in a position to make these types of complex market share determinations. By placing the burden on the group of health care providers, this amendment will force every collective bargaining unit to file with the government, subjecting them all to long and expensive delays.

Third, even if these issues could be worked out—and that could take years of litigation—the bill's percentage limitation cannot be justified. Why is 20 percent the threshold? Supreme Court legal precedent says that a company or group of companies does not have market power unless they have 70 percent or more of the market. Determining market power is very much facts and circumstances based, which is why the antitrust laws have intentionally avoided arbitrary cutoffs. This bill creates an artificially low threshold, and threatens to undercut more than a century of settled antitrust law.

I would remind the proponents of this amendment that the bill provides for a three year sunset with a report by the GAO. In my opinion this negates the need for any further oversight amendment because it would be foolish for health care professionals to engage in anti-consumer conduct given that it could cause them to lose their rights under this legislation.

I urge the Members to oppose this dangerous amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER).

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

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

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. BALLENGER) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106–709.

AMENDMENT NO. 2 OFFERED BY MR. STEARNS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. STEARNS:

Page 3, line 17, insert before the period the following: '', but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).''.

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commission or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term ''Assistant Attorney General'' means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

Mr. CAMPBELL. Mr. Chairman, just a point of procedure, if I might. How may I go about claiming the time in opposition?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time.

Mr. CAMPBELL. With the consent of my colleague, the gentleman from Michigan (Mr. CONYERS), I claim the time in opposition.

Mr. CONYERS. Mr. Chairman, I am pleased to give the control of the time to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. I appreciate that, Mr. Chairman. How much time is that, Mr. Chairman?

The CHAIRMAN. The time in opposition will be 5 minutes.

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. THOMAS. Mr. Chairman, is there a motion available to object to the use of the chart on the floor?

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. STEARNS).

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

Mr. Chairman, I thank my colleague, the gentleman from California (Mr. THOMAS), for allowing me to have the charts here on the House floor.

Mr. Chairman, my amendment is pretty simple. It is basically asking for oversight on the Conyers-Campbell, Campbell-Conyers amendment. When we look across the landscape at different groups that have been exempted, labor unions, of course, as mentioned earlier, go to the National Labor Relations Board. If one developed a cooperative, a farming cooperative, they would have to go to the Secretary of Agriculture to certify that they did not have any monopoly practices and that they were not restraining trade.

If one were an export association or a trading company or even a fishing association, even a fishing association, they would have to go to the Secretary of the Interior or to the Federal Trade Commission.

If one is an insurance company and they tried to meet different people, insurance companies tried to meet, they would also have to be governed by antitrust laws.

Newspapers, national defense contractors, throughout all of America, everybody has some oversight, but not in the Campbell-Conyers bill.

Now, in Texas, Governor George Bush passed a bill which had similar language to the Campbell-Conyers bill, but it had oversight. In fact, when one looked at it, and many other States are adopting this language, provided for the doctors to be able to get together and to negotiate with HMOs; but it had oversight.

One had to go to the State attorney general to certify that their plan and what they were doing were not antitrust, was not developing a monopoly.

So basically my amendment, which is very simple, adds a few words. It says that when they go to the HMOs and when they develop their collective strategy, that it will be certified by the Federal Trade Commission or the Justice Department. So it is very simple. It brings in that trust but verify.

So I ask my colleagues to say if they support the Campbell amendment, the Conyers amendment, why not have a little bit of trust but verify by having this group of doctors, much like everybody else in America, have some oversight; and they would have to go to the Federal Trade Commission or to the Justice Department to get certified for what they are doing?

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

Mr. CAMPBELL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I thank the gentleman from California (Mr. CAMPBELL) for yielding me this time.

Mr. Chairman, I rise to strongly oppose the Stearns amendment. I am not going to spend much time talking about it. It simply guts the bill. Do not vote for it.

I do want to go back and refer to the Ballenger amendment for just a moment which basically says that, okay, we will let the docs actually get together and have a discussion about this great big insurance company that comes to town, is going to take over all their practices; and we will actually let them get in a room and talk about it without prosecuting them, except they cannot talk about fees.

Now, I assure everyone that is part of the discussion. After having practiced dentistry for 25 years and fooled around a few years experimenting with this managed care environment, I can say absolutely that it is not possible to negotiate with HMOs without bringing up fees and payments.

Some HMOs have contracts that require doctors to spend no more than 12 minutes with a patient. Other HMOs pay doctors bonuses to provide the cheapest possible care, even when another treatment is more appropriate. The list goes on, such as bonuses for using HMO facilities and suppliers even when they are inferior.

Mr. Chairman, those who support this amendment, and I am talking about the Ballenger amendment, are technically correct when they say that doctors could negotiate over spending more time with patients, providing appropriate treatments with patients, or which facility to use without specifically bringing up cost issues. But if that is all the doctor can question in this negotiation, we will see every HMO in this country switch to one of their other options, which is straight capitation.

I have actually tried to practice dentistry under these conditions, in which one is assigned a flat fee per person. Some years ago I think it was $3.00, not $10.00 as the gentleman from Michigan (Mr. CONYERS) said, but $3.00. The plan does not put any standards in the contract, but the fee received is based on the same 12-minute per patient, cheapest care possible and the use of HMO facilities only.

If one does not do all of these things, they just simply go broke.

Now, the playing field out there is tilted. The gentleman from Ohio (Mr. BOEHNER) mentioned it. It is tilted. It is tilted way out of line. We have turned health care in this country over to the insurance industries. We have said, you run it, we cannot. The Federal Government will be solid about it. The States have all of their laws preempted, and by the way let us give the insurance companies an exemption from antitrust.

□ 2350

That is what we have going on out there. Health care is not better off for it. Now, we need to, if we cannot get a patient's protections bill, at least level the playing field, so these men and women who care for your bodies every day can come together in a room and actually discuss their life.

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

The CHAIRMAN. The gentleman from Florida (Mr. STEARNS) has 2 minutes and 45 seconds remaining.

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

Mr. Chairman, the gentleman from Georgia (Mr. NORWOOD) just finished a very eloquent, emotional speech. The point is that a lot of the States are already enacting these protections for the physicians, and we do not need the Federal Government to go ahead and do it. For example, Texas passed, as I mentioned earlier, an antitrust bill that exempted physicians but had oversight with the Attorney General there in the State.

Why not let the States throughout this country do what we are trying to do and let them be first? Negotiations in the States will proceed on an orderly manner, and in those States where it is not required, it will not go forward.

Mr. Chairman, I have these charts that I want to show here briefly. The myth, the bill would grant doctors the same type of labor protections afforded other workers. Other workers can obtain a labor exemption only, only if they are employees, not independent contractors. Two, physicians who are employees are already entitled to the exemption under existing law, and, third, under H.R. 1304, physicians' collective bargaining would not be subject to the NLRA or any other NLRB oversight.

I ask my colleagues, do we want to have them have that carte blanche ability? Myth, doctors cannot organize without the exemption. Antitrust laws permit physicians to perform large group practices and IPAs now. In many areas, these groups have considerable leverage over plans, particularly when they are organized around specialities. Three, doctors already can discuss qualities and other contractual terms with each other and with health care plans.

My colleagues, let us have some oversight. They did it in the State of Texas. This bill would supersede Texas and all other States that are moving forward. So I ask you to vote for the Stearns amendment and let us have trust, but verify.

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

Mr. CAMPBELL. Mr. Chairman, I have no further speakers, except to close.

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

Mr. Chairman, let me tell my colleagues on tonight's vote, whether you are a Democrat or a Republican, we know how controversial this is. We know that a lot of the people that went on the Campbell bill decided they wanted to get off but they could not get off, and they are hoping tonight that somehow this amendment would not be brought to the floor or possibly there would be some way that they would have to vote for it.

My colleagues if we want a fair compromise to this bill and still retain our loyalty to it, then vote for the Stearns bill, because it allows you to have oversight of these doctors, without it, everything we heard from the other speakers could occur.

It does not hurt to have some verification through the antitrust measures that are in this amendment, much like even the Fishery Association has, so I urge passage of the Stearns bill.

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

Mr. Chairman, of 228 cosponsors, three have asked to come off the bill. We have 225. I do not know where my good friend, the gentleman from Florida (Mr. STEARNS), believes that people have been asking to get off the bill. Let me say eight have joined since our bill was postponed a month ago, eight new sponsors have joined.

The capitation rate can be so low in some instances that quality of health care suffers, that is just a fact. When people say that they would try to limit negotiations only to matters unrelated to fees, they miss the fact.

If your capitation rate requires you as a general practitioner to see 10 patients per hour, then they are not providing quality care. The gentleman

from Florida (Mr. STEARNS) suggests that we get the Federal Trade Commission to oversee.

Let me tell my colleagues what the Stearns amendment does. It gives the FTC the power. The gentleman did not discuss it but at page 4 in his amendment, and it is in my handout so those colleagues that come on the floor will see it, the FTC is given the authority and, I quote, to determine whether the terms are appropriate and then take such action as they think as appropriate, including the results of the negotiations be vitiated. I am not kidding. The FTC has plenary authority under the Stearns amendment to vitiate the bill, and all of its amendments. Furthermore, the FTC does not want this authority.

In testimony before the Committee on the Judiciary, the chairman of the FTC said they did not have the manpower, personpower to handle this. Furthermore, the Stearns amendment says that there is an exemption if you are 20 percent or less of a market. How is the FTC to determine if we have 20 percent or less of a market?

Mr. Chairman, I used to be in charge of the Bureau of Competition at the FTC, and we were doing mergers in 45 days with compulsory process. How do we determine whether anybody has 20 percent of a market within 30 days? That is why the chairman of the FTC testified that it could not be done, not without a huge increase in his budget.

Lastly that the doctors have existing authority; only if they integrate, that is just the point. Some doctors do not choose to be business people. They never choose to become in an IPA or an IPO, they chose to be professional doctors, we should let them be professional doctors.

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

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

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

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

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider Amendment No. 3 printed in House Report 106–709.

AMENDMENT NO. 3 OFFERED BY MR. COX

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COX:

Page 4, after line 20, insert the following new paragraph:

(3) PHYSICIANS' RIGHT TO CHOOSE WHETHER TO JOIN A LABOR ORGANIZATION.—Nothing in this Act shall impair the right of any health care professional to refrain from self-organizing, from forming, joining or assisting a labor organization (including an organization of other health care professionals), from bargaining collectively, or from engaging in concerted activities, and no agreement with a health care plan may require membership by a health care professional (who under existing law prior to the enactment of this Act would not have been treated as an employee) in a labor organization, including any organization of other health care professionals, as a condition of employment.

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

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

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

The physicians who support this bill do so for one reason, they wish to negotiate with HMOs and other managed care organizations in order to improve the quality of the patient care. They do not seek this legislation in order to force other doctors into a labor union if those doctors do not wish to join one. America's physicians deserve the fundamental right to choose whether to join a union or not, whether to belong to a union and whether to pay dues to it.

This amendment states clearly that even as they are gaining the right to collectively bargain, America's doctors will also be protected in their right to join a labor organization or to choose not to.

It is necessary, because this bill states that doctors will henceforth be treated as, this is the language of the bill, quote, bargaining units, which are recognized under the National Labor Relations Act in connection with such collective bargaining, but the National Labor Relations Act says that workers can be compelled to join a union as a condition of employment.

This would happen if, for example, some doctors under this bill collectively bargain with an HMO and negotiated a contract that required membership in a union as a condition of working for that HMO.

Without this amendment, a physician could be shut out from participating in a health care plan were such a collective bargain agreement negotiated with an HMO. That physician could be shut out of the health care plan simply because he or she chose not to join a union, simply because, for example, a physician exercised her right to choose not to become a member of a union.

Unfortunately, forced unionization is a very real and very unfair fact of life under the National Labor Relations Act. This amendment makes clear the original intent of the bill's author, to allow physicians to collectively bargain and leave them free to choose whether or not to join a union.

If this bill is enacted, doctors will collectively bargain with HMOs. Doctors and HMOs will undoubtedly enter into collective bargain agreements. Under the National Labor Relations Act, those collective bargaining agreements could legally require that in order for a doctor to work at the HMO he or she must join a union.

□ 2400

This amendment will protect doctors from such compulsory unionism that is nowhere forced on them today.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition, and I yield myself 1 minute.

Mr. Chairman, this may be one of the most incredible amendments of the evening, because we are now talking about mandating a Federal right-to-work law with respect to health care professionals. I say to my colleagues, we have never considered that before in any particular field, and the practical impact of the amendment would be to harm the ability of health care professionals to collectively bargain and protect patients' rights.

This is an amendment that would seek to turn pro-labor Members against H.R. 1306.

Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), our distinguished whip.

Mr. BONIOR. Mr. Chairman, most of us live in communities where we pay taxes for the cost of operating schools, for paving the streets, for picking up the garbage, and we each pay our share, so do our neighbors. Everyone does their part, everyone reaps benefits. But imagine for a moment if it were different. Imagine if our neighbors could each decide to opt out of paying their fair share. They would still get the benefits, they just would not pay for them. Well, I think it would be pretty obvious it would not take long for that system to fall apart because we could not afford a system like that.

That is exactly the kind of system that the Cox amendment would force on to the health professionals. It says you can organize, you can bargain, but you have to provide the same services for the freeloaders, those who do not want to pay, as you do to provide for those who pay their fair share.

Mr. Chairman, no one here would ever argue that individuals have a right not to pay their taxes if they do not want to, yet this amendment tells health care professionals they would have the right not to pay their fair share of the cost of collective bargaining.

So I say to my colleagues, this amendment may not stop professionals from organizing, but make no mistake about it, this amendment will prevent them from succeeding. It is, as the gentleman from Michigan (Mr. CONYERS) has stated, an amendment that would kill the bill from the perspective of many people in this Chamber, and I hope Members will vote no on it.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the Cox amendment.

Those who are sympathetic and in support of the underlying purpose of this bill will surely see their intention defeated if this amendment is adopted. Because no rational-thinking physician would proceed to try to organize and bargain collectively if this amendment became law, because those leaders in the collective bargaining process would bear all the risk, and there is considerable risk of going up against the managed care companies, considerable risk of being ostracized, considerable risk of being leveraged in the marketplace, considerable risk of suffering professional and economic harm. Those who would be the first to step forward would bear all the risk, and then those who sat and waited to see how it turned out would yield all the benefit if they so chose.

No one, Mr. Chairman, would embark on that kind of risky venture if he or she was not assured that those who would benefit from the hard-won bargain would have to pay to support the process of winning the hard-won bargain.

So this is an amendment that if it became law would act as a significant disincentive for anyone ever stepping forward and taking advantage of the rights that are contemplated in the underlying bill.

If one is sympathetic to the principles of the underlying bill, one should oppose this amendment.

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

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment and to debunk some of the allegations made on the other side.

We have 21 States that have right-to-work laws now, and in all of those States we have unions that are organized. To deny the right to members of a health care organization to choose for themselves whether or not to engage in collective bargaining is a fundamental principle that every American should have. In fact, we should not just be voting on this issue on this particular group of people; we should be bringing the legislation that I have introduced and has been cosponsored by more than 140 members for a national right-to-work law to be voted on here in the Congress.

Mr. Chairman, I strongly support this provision being added to this bill, to give people the right to choose for themselves whether or not they want to participate in something. They should not be made involuntarily to participate in collective bargaining if they choose not to do so. So this is something that has worked well for a great many people in a great many places, and to require somebody to do this against their will is tyranny. We should support this amendment.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER), my distinguished colleague.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of H.R. 1304, and I want to note that I was an original cosponsor of H.R. 1304. Many of us who feel strongly about this also strongly support the Cox amendment.

Mr. Chairman, this bill, the base bill, is about voluntary association, the right of people to gather to work together and to form unions if they want to, yes, but to have voluntary associations, if they want to do so. It is also about the right to choose. The Supreme Court recently had two decisions based on freedom of association, the Boy Scout decision and the political parties decision.

The Cox amendment will ensure that this bill's lofty goals are actually achieved. The lofty goals of making sure that doctors are working for the benefit of the public and that the medical profession is not taken over by labor union bosses or anybody else, or managers of HMOs, but instead, the freedom of association will ensure that doctors can gather together and that they will remain true to the ideals that brought them together in the first place. Support the Cox amendment.

Mr. CONYERS. Mr. Chairman, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to this amendment. I wish the discussion was accurate. There is no coercion in this bill whatsoever. There is no requirement to unionize, to organize; there is perfect freedom in this legislation. I oppose this amendment, because there is no need for clarification.

Mr. Chairman, I stand in opposition to the amendment offered by Congressman COX to "clarify that a health care plan may not force a physician to join a union as a condition of employment."

H.R. 1304 would exempt health care professional from antitrust laws when they negotiate with health plans over fees and other terms of any contract under which they provide health care items of service. Professionals who form coalitions for that purpose would receive the same treatment under antitrust laws that labor organizations receive for collective bargaining activities under the National Labor Relations Act.

To this point, H.R. 1304 has truly been a piece of legislation formed through the combined efforts of my colleagues who sit on the Judiciary Committee, both on the left and the right. Now, our combined efforts seem to be traveling down that destructive road called "partisanship." Let us be careful not to be divided at this point.

As it stands, H.R. 1304 makes clear its objectives. There is no ambiguity in this legislation. Hence, there is no need for clarification! This amendment is proffered to "reaffirm the right of any health care professional to refrain from self-organizing, from forming, joining, or assisting a labor organization, from bargaining collectively, or from engaging in concerted activity."

There is no language in H.R. 1304 that would minutely suggest that collective bargaining, organization, or unionization is, or may be required. Independent practitioners who wish to remain private in practice and in negotiations with health care plans may do so. This legislation would only give independent practitioners protection should they "choose" to engage in collective bargaining.

For care givers who provide speciality services, this bill will assist them in negotiating contracts with the health care plans to make their services more readily accessible. This legislation is clear in that it provides a benefit to health care providers and does not impose any requirements.

H.R. 1304 has already been through an intense amendment process in the Judiciary Committee and adopted by a vote of 26–2, I urge my colleagues not to allow additional amendments to legislation that is already crystal clear.

There has been a bipartisan effort to work with professional health care organizations and we should respect the work that has been done to develop this bill.

Any amendments at this point would be hidden attempts to destroy a very simple and important piece of legislation. As reported by the judiciary, the bill would ensure that Congress could address any potential concerns that may arise before the legislation is re-authorized. Adding unneeded language would only harm patients by delaying passage and ultimately destroying the bill.

Mr. Chairman, this legislation is clear and I press upon my colleagues the need to oppose all amendments at this point and to support the passage H.R. 1304 so the American people may begin to receive the best health care possible.

Mr. CONYERS. Mr. Chairman, I yield myself the remaining time.

The Cox amendment is nothing less than a last-minute attack on the rights of health care professionals and patients in particular. Now, notice, this is a nongermane amendment that had the rule prescribed that all points of order had not been waived would not even be in order. It is a last-grasp effort on the part of the opponents of the bill to change the subject matter of the bill and turn pro-labor Members against the measure.

The practical impact of the amendment would be devastating to the ability of health care professionals to collectively bargain and protect patients' rights. Let us not pass tonight inadvertently the first Federal right-to-work law in our country's history.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington, DC, June 29, 2000.

Hon. JOHN CONYERS, JR.,

House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The AFL–CIO opposes the Cox amendment to H.R. 1304, Quality Health Care Coalition Act. This amendment is clearly an attempt at passing

a federal ''right to work'' law for doctors and health professionals.

We strenuously oppose this amendment and urge Members to vote against it.

Sincerely,

PEGGY TAYLOR,
Director, Department of Legislation.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House report 106–709.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

Mr. TERRY. 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. TERRY:

Page 4, after line 20, insert the following:

(3) NO NEGOTIATION OVER FEES.—The exemption provided in subsection (a) shall not apply to negotiations over fees.

□ 0010

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

The Chair recognizes the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I yield myself 2 minutes.

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

Mr. TERRY. Mr. Chairman, this amendment is really rather simple. This Terry-Coburn amendment states rather simply that this broad antitrust exemption should be provided, not for fees, but only for the protection of patients.

The AMA in our discussions has assured me that this bill that they support and want is not about money. In fact, they sent around a flier today to all of us saying it is about the patient, not dollars. So, in theory, they should support this type of an amendment that still protects their rights to negotiate the quality of patients' care, but not to collaborate on fees and increase the cost.

I have met with several of the doctors back in my home district. They have shared with me that they want the ability to communicate and balance the table, to talk to the insurance companies about the quality of care, that they are concerned about being gagged in what they can and cannot talk to their patients about, or gatekeeper provisions, or medical necessity definitions. These are the types of things they would like to sit down and negotiate.

I think we should allow them that type of opportunity, because that does go to the heart of the quality of patient care. So why are they against this amendment? Maybe it is about the money. Providing quality care should never take a back seat to cost or treatment. This amendment will assure that this bill remains focused on what we all want, and that is quality of care, and is not simply increasing the cost of that care.

I urge my colleagues to vote for this simple solution that splits the difference.

Mr. CAMPBELL. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Chairman, I urge my colleagues on both sides of the aisle to reject this amendment. Here is why: The Terry amendment would prevent negotiations over quality of care. It addresses costs.

Let me give an example of how costs can affect quality of care. As a reconstructive surgeon, if somebody has their hand cut off, I can take that patient to the operating room and under microsurgical repair sew back all the tendons, the blood vessels, put the nerves back together. That is probably a 10-hour operation, an 8- to 10-hour operation.

That HMO that I may be contracted with can determine that the payment to the surgeon for that procedure would be $200, or maybe $150. By their pricing, they can effectively, despite their promises to their patients, prevent those patients from getting the services paid for, covered by their plans, by simply making it impossible for that patient to get that type of care that they need. They can price a product, a health care product, so low that we effectively are not providing the service.

Yes, if that patient comes in, under medical ethics I would take the patient to the operating room and fix their hand, but I would be essentially doing it for free.

Mr. CAMPBELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Nebraska. I have the utmost respect for him, but happen to disagree with him on this issue.

I think the gentleman from Iowa (Mr. GANSKE) was fairly eloquent on this issue. He presupposes that there is no correlation between reimbursement and quality. When I talk to a lot of the physicians in my community about their experiences on this issue, many of them share with me the same thing, that the lower and lower the reimbursement schemes that the insurance companies are essentially ramming down their throats, the way they cope is they see more and more patients in a given amount of time.

There has been some very good research out of Canada to show that physicians spend very little time seeing patients because the reimbursement is so bad that patients have to go to a doctor two, three, or four times before they finally get properly diagnosed, and the essential problem is the doctors are not spending any time with the patients.

While this bill passed with the gentleman's exception would be better than no bill, I think the gentleman's amendment does serious injury to the fundamental issue.

There are 220 cosponsors of the underlying bill. I would encourage all of them to vote no on the Terry amendment.

Mr. TERRY. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, this is an ironic twist that I am against my doctor friends in the House. I do so not without risk to myself. I was castigated at the AMA when they had the House of Delegates because I opposed the bill.

I voted for the Patients' Bill of Rights. I have worked hard to try to see that we get a bill for patients. I understand the motivation, severely, behind this bill. I think the motivation is pure.

But I do think that our obligation, and as the gentleman from Iowa (Mr. GANSKE) said, if a patient came to him, he would do it whether he got paid or not. How is it we have a health care system where we have to make a consideration about whether we get paid or not, whether or not there is a question about adequate remuneration?

The fact is that this is about money, unfortunately. To say it is about patient care is really not true, because everything I have heard from the doctors that I have talked about has been about money. Money is associated with patient care.

The question has been raised about low monthly payments for patients in an HMO, but the only way an HMO can force a doctor to accept $10 a month for pediatric care is if there are way too many doctors in that market. So although the goals and the desires of my friends from the AMA are good, what they want to do is continue to perpetrate the maldistribution of physicians in this country.

The other thing to think about is if this bill becomes law and Members live in a rural district, half of their doctors will no longer be in the rural district because we will have set up a system where they can come to the urban areas, where many of them would rather be, and get the same treatment because we can negotiate the fees higher. So we are going to disrupt further the distribution of physicians in the country.

I am with my brothers and sisters in the medicine field. I believe this is the

wrong way to solve our problem. The right way to solve our problem is the Patients' Bill of Rights. If this amendment is accepted and my amendment is accepted, I will be voting for this bill.

Mr. CAMPBELL. Mr. Chairman, I yield the balance of our time to the gentleman from Georgia (Mr. NORWOOD).

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

I want to say to my dear friend, and I mean that, the gentleman from Oklahoma (Mr. COBURN), I simply do not agree with him. I think we ought to vote this amendment down.

Is this about money? Of course it is about money. People who are going broke are concerned about that. I have been involved in managed care a few years. I can tell the Members right now it is a lot easier to stay home and go fishing than go broke, because their choice is to go broke or give bad care. That is the choices they give us.

I have always wanted to tell this story. I hate to tell it when nobody is awake. It is a story basically about what this is all about. It has occurred since I have been in Congress.

In 1996, Concordia Dental Insurance Company won the bid from the United States government to care for all the dependent personnel for our military across the country, a $1 billion contract. There is a little town in eastern North Carolina called Jacksonville, North Carolina. One hundred thousand people live there. Thirty thousand are civilians, 70,000 belong to the Marines.

□ 0020

Now, there are only 30 dentists there, and Concordia comes to town and says, Guys, we are going to take two-thirds of your practice. We are go to cut everything that you are paid in half, your fees are cut in half. You do not have to take this contract. The gentleman from Oklahoma (Mr. COBURN) says they could just walk away. How can they walk away? They are taking two-thirds of their practice.

They are simply saying, We want you to treat these people with quality care as long as you can. You may be out of business in a year, you may even last 2 years. These people said, No. We are not going to do this. These 30 dentists said, No, we cannot do this. We will go broke. We cannot feed our families or take care of our children's education.

What do my colleagues think happened to these people? The next thing they get is the big arm of the Federal Government from the Federal Trade Commission slamming down on their door saying, We know you are in collusion. You have got to be, because none of you will come to work for this insurance company and go broke. Something has got to be wrong. You are talking to each other. Sure you are. We are going to prosecute you.

Do my colleagues know what happened? A classmate from Harvard who was a lawyer from Concordia just happened to know a classmate of his at the Federal Trade Commission and he calls him up and he says, John, I cannot get these people to work for nothing. You need to help me do something about that. So our great Federal Trade Commission puts all of these 30 people under the threat of jail because they will not work for nothing.

Mr. Chairman, I urge my colleagues, do not pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

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

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

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106–709.

AMENDMENT NO. 5 OFFERED BY MR. COBURN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. COBURN:

Page 6, after line 10, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) EXEMPTION OF ABORTION AND ABORTION SERVICES.—Nothing in this section shall apply to negotiations specifically relating to requiring a health plan to cover abortion or abortion services.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. COBURN) and a Member opposed each will control 7½ minutes.

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

Mr. COBURN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, first of all let me begin by saying that the gentlewoman from Texas (Ms. JACKSON-LEE), my friend and colleague, misstated—was in error—when she suggested that any amendment to H.R. 1304, constituted a poison pill crafted by the insurance industry to destroy the bill.

As a strong and longstanding cosponsor of the Campbell bill, and as one speaking in favor of the pro-life Coburn amendment, nothing could be further from the truth. Our only intent in proposing this amendment is to protect innocent babies and their mothers from the violence of abortion. Abortion isn't health care—it is the dismembering and poisoning of fragile children.

Mr. Chairman, let us make no mistake about it, pro-abortion groups have long had as their goal complete assimilation of abortion into the Nation's health care system. It is clear that absent Coburn abortion providers could certainly use the exemption created by H.R. 1304 to pressure private group health plans to cover abortion. It is appropriate then, and I think it is a vital duty of this Congress, to adopt the Coburn abortion-neutral amendment if we are going to grant physicians the significant leverage in negotiations over benefits and other important issues permitted under the legislation. But we certainly should not, however unwittingly or inadvertently, permit more abortions as a consequence of this measure.

The Coburn amendment, which would simply maintain the status quo, would only exclude negotiations over abortions. That is all it would do. In other words, current antitrust law would remain in place if organizations and health care providers tried to leverage expansive abortion coverage from insurers.

Opposition to the Coburn amendment could only come from those who want abortion advocates to use this special antitrust exemption granted by H.R. 1304 to expand coverage of abortion. That is why the National Right to Life is in favor of Coburn. That is why NARAL and other pro-abortion organizations are against it. It could not be clearer.

Mr. Chairman, I strongly urge a positive vote in favor of the Coburn amendment.

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

The CHAIRMAN. The gentleman is recognized for 7½ minutes.

Mr. CONYERS. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, this is another example of the kind of gamesmanship that we have been subjected to. The bill says nothing about abortion. This anti-choice gag rule is a poison pill designed only to kill another bill to provide quality health care to all Americans.

How many Members have told me on the floor tonight if this amendment passes, they will vote against the bill? It is very simple. It is very obvious. To talk about leaving a rape victim without medical guidance.

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

Mr. COBURN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, the gentleman from Michigan (Mr. CONYERS), my colleague on the other side, said point blank that the bill says nothing about abortion. He is simply wrong. The language of the bill clearly provides that physicians cannot negotiate in order to preclude people from providing abortion, but in fact they can negotiate to force them.

The language of the bill is right here. I invite the gentleman to read it. It simply says if a doctor is licensed to perform an abortion, negotiations may not be held to preclude him from performing abortions, in plain language of the bill. I invite the gentleman to read it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I have been a cosponsor of this bill for nearly a year. But the amendment before us strips physicians of their right to speak about their medical, religious, and moral beliefs; and it says doctors can collectively bargain on any subject except those related to abortion and abortion services.

Every single time the anti-choice majority in this House can interfere with a women's right to access family planning or choose a legal abortion, they do. It is never enough. This bill contains no mention of any specific health service. It offers no directive about specific benefits or services that must be covered. But here we are debating women's reproductive health care once again.

We need not fear that it will be covered because this amendment would ensure it cannot even be discussed. I hope that Americans who are watching this debate will think carefully about the kind of Congress they want to elect in November. We can have a Congress that encourages responsible decision-making and access to quality reproductive health care. We can have a Congress that works to prevent the need for abortion by increasing access to effective family planning methods. Or we can continue to have a Congress like this where nearly every day it seems there is another amendment, another bill to make the right to choose obsolete.

This is what it is all about. We are gagging our doctors. We are not giving them the right to negotiate.

Mr. Chairman, I urge my colleagues to fight for quality health care for their constituents and oppose this amendment.

Mr. COBURN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me quote from the bill:

> Nothing in this section shall exempt from the application of the antitrust laws any agreement or otherwise unlawful conspiracy that excludes, limits, the participation or reimbursement or other otherwise limits the scope of services to be provided by any health care professional, or group of health care professionals, with respect to the performance of services that are within their scope of practice as defined by permitted relevant law or regulation.

Well, let me tell my colleagues what that very slickly says. What that says is that health care providers have the right to retain services, but no right to exemption from antitrust laws to reduce services. So if a group, if a Catholic hospital buys a hospital that is presently performing abortions and under their conscience do not additionally want to offer that service, then in fact they will not be able to do that.

☐ 0030

So that is not the intention of this author, and I understand that. That was never his intention. But that is the result and the effect is that those hospitals in this country who consciously object to the taking of unborn life can in fact be forced to perform that.

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

Mr. CONYERS. Mr. Chairman, I am pleased to yield 45 seconds to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, actually, I am sure that what I will say has already been said, but it needs to be repeated.

Actually, first of all, I am very pleased that this bill is coming to the floor. It is a good bill. It is supported by 220 Members of Congress and a myriad of associations and organizations. With the ever increasing consolidation within managed care, it is essential.

Actually, the bill does not mandate any benefit of service, nor does it force insurance companies to provide abortion coverage. So I am dismayed that the very distinguished gentleman from Oklahoma (Mr. COBURN) has offered this amendment because it drags the abortion issue into this discussion.

But what is happening with this amendment is we are dragging the abortion issue into this discussion when our debate should pivot on whether or not giving doctors the right to collectively bargain will have a beneficial or adverse consequence on the health care industry.

This should not be a discussion on the specific conscience of a doctor or a health care, but the Coburn amendment would do just that. And so, I urge defeat of the amendment.

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

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from Pennsylvania (Mr. GREENWOOD).

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

Mr. Chairman, those of my colleagues who are supporters of this measure really have to vote against the Coburn amendment, and they have to do it for a reason of substance and a reason of process.

The substantive reason is that if they argue that this is all about freeing doctors, freeing doctors to use their individual liberty to go and negotiate with their plans, then they cannot have it both ways, they cannot say except in this one instance and be consistent.

Secondly, if they are for the bill, they cannot vote for the Coburn amendment. Because if we look at the people who voted for the rule to allow this to happen at all, nearly half of them are pro-choice Members and they will kill the bill with the Coburn amendment.

So to be consistent and support the right of doctors to individually and collectively argue for good care for their patients and to be consistent and say they want the bill to pass, they must vote against the Coburn amendment unless they are going to go home to their doctors and let them know they tried to have it both ways.

Mr. COBURN. Mr. Chairman, I yield myself 1 minute just to answer the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. Chairman, what the bill says is that they can negotiate for abortion rights but they cannot negotiate for life. That is the ultimate result of this language. And in fact, it puts in jeopardy every Catholic hospital in this country.

What it also does, to say that this is not happening is the California Medical Association has already tried to introduce this law. It is through the State of California to mandate that every health care provider and every health care organization offer abortion services.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I was going to use my minute to talk about how this is a total red herring and this debate should not be about abortion because the bill does not talk about abortions.

Then the amendment that I wrote and negotiated over a period of 6 months with doctors and nurses is cited by the gentleman on the other side as an abortion amendment. It has nothing to do with abortion.

The purpose of section (e) is to say that a group of doctors cannot negotiate with the HMO an agreement that says they may not pay nurses more than x dollars an hour. It is to prevent one group of professionals, doctors generally, from saying that nurses may not do certain things that the law says they may do.

That fear was expressed by the nurses, the physical therapists, the chiropractors; and we carefully negotiated language in this section with the doctors, the nurses, the chiropractors and the physical therapists to prevent the bill from being used by one group of health care practitioners to exclude or limit the reimbursement of another group of health care practitioners.

It has nothing whatsoever to do with abortion, period. It is just completely irrelevant to it. This bill says nothing about abortion pro or con.

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

Mr. Chairman, if, in fact, the gentleman is correct, then there is nothing wrong with my amendment. If, in fact, he is incorrect, and I believe he is, that the unintended consequence is exactly as I described, we will, in fact, have the situation as I described.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I respect the differences that my friends have who are against abortion. I do again reaffirm that the Supreme Court has said the right to choose is the law of the land.

The Coburn amendment makes this bill more difficult and untenable than it is or may be. By preventing any negotiations between health care plans and doctors about abortion, the Coburn amendment could leave an incest victim stranded on an island of despair. Even her own psychiatrist could be prevented by an HMO to referring her to an obstetrician to exercise her constitutional protected right to choose.

It could also leave a rape victim without any medical guidance, or an emergency room doctor could be forbidden from ensuring that a health plan allows a referral to an appropriate reproductive health clinic.

By preventing any negotiations between health care plans and doctors about any abortion-related service, this extreme anti-choice amendment could prevent a physician from ensuring that an HMO provides ultrasound to mothers. It is not in this bill.

We should not vote for this amendment. We should allow the right to choose to stand on its own.

Mr. Chairman, I rise in opposition to this amendment offered by Representative COBURN to exclude ''negotiations specifically relating to requiring a health plan to cover abortion or abortion services.''

H.R. 1304, the Quality Health Care Coalition Act is about controlling health costs and quality and access to health care, not about limiting health care services because of a mention of abortion. It does so by amending the antitrust laws to allow health care professionals to jointly negotiate the terms of their contracts with health care plans.

This bill is not about abortion rights. That debate has already been decided in the Supreme Court in 1973 in the landmark ruling of *Roe* v. *Wade*. Furthermore, just yesterday, once again the Supreme Court upheld a woman's right to choose whether or not an abortion is right for her, without the State enacting undue restrictions. By ruling the Nebraska ''partial-birth'' ban unconstitutional, the Court reiterated that *Roe* v. *Wade* is still the law of the land and cannot be undermined with ambiguous anti-abortion language.

Under the Coburn amendment, providers could not negotiate against any oppressive restrictions that appear in their contracts concerning abortion services. Such restrictions could include a ban on referring clients for abortions elsewhere, or from discussing abortion as a medically appropriate and legal option with patients.

The amendment runs counter to the spirit of the underlying legislation—the goal of which is to empower health-care providers in their negotiations with large health plans. This amendment is merely another attempt to stigmatize abortion by separating it from other medical care.

Contrary to what the amendment sponsors will argue, H.R. 1304 would not force insurance companies to provide abortion coverage. In fact, specific benefits are not usually outlined in contracts between health plans and providers. Rather, they are contained in contracts between health plans and patients or groups of patients or employers on their behalf.

H.R. 1304 would not alter this practice. The Coburn amendment, however, would silence physicians and other providers. Those who have a medical and ethical responsibility to promote the well being of their patients would be unable to advocate with health plans on their patients' behalf for comprehensive reproductive health care.

Physicians would be precluded from negotiating on their patient's behalf with hospitals to provide abortions in cases of medical emergency, or even mentioning that an abortion does not meet an adequate standard of care. Although today's Coburn amendment is limited to abortion or abortion services, it is very likely that those who seek to gag doctors from discussing abortion with their patients would soon target other reproductive health services, such as tubal ligations, sterilization, or contraception!

H.R. 1304 gives health care professionals the power to jointly negotiate contract terms to promote quality health care for their patients. H.R. 1304 would provide guarantees that patients are protected from bureaucratic abuses and help pave the way for such assurances.

Mr. Chairman, this amendment is strongly opposed by the American College of Obstetricians and Gynecologists and the American Medical Women's Association because this is an inappropriate amendment designed to kill support for this bill.

Personalized attention is what most Americans desire from their doctors, social workers and other care providers. H.R. 1304 encourages doctors to focus on the care they give to their patients. It allows us to return to an era when physicians were able to act on behalf of their patients and not for the benefit of the bottom line for an insurance company.

I ask my colleagues not to support such outlandish tactics and to rise above this so that we might approve this most significant piece of legislation.

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

Mr. Chairman, my point is said by this chart, is that, in fact, the rule of the land is that they do not provide good health care unless they are willing to terminate an unborn child. That is NARAL's position. That is where we are headed with the language as it is written in this bill.

This bill has great intention. The authors never intended this quirk of availability to be there. That was not the intention of the gentleman from California (Mr. CAMPBELL). But it is there. And unless it is fixed, what will happen is NARAL's position that they are not providing health care unless they are terminating unborn children in every health plan, every Catholic hospital in this country that are on health insurance or extended facility will be at the mercy of NARAL.

Seventy-five percent of the people in this country, the latest poll, believes it is murder to kill an unborn child. Twenty-five percent of the people in this country are wrong. They are wrong.

There is a God in heaven, and we will pay a price for what we are doing to unborn children.

Do not let this bill go out of this House without this amendment. My colleagues will doom not only those organizations that are there for life, but they will doom some of the best health care organizations in the country.

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

Mr. CONYERS. Mr. Chairman, I yield the balance of the time to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the word ''abortion'' does not appear. I wrote this with the gentleman from California (Mr. CAMPBELL). We can assure our colleagues that in no place does the word ''abortion'' appear.

I just want to emphasize that.

□ 0040

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for his leadership.

Mr. Chairman, I rise against the amendment of the gentleman from Oklahoma (Mr. COBURN). No HMO has ever required a doctor to perform an abortion. They have never required a doctor to perform an abortion. This amendment is totally unnecessary. Come on, we all know what this is about.

The Campbell-Conyers amendment, the underlying bill, is not about abortion. The Coburn amendment is irrelevant, deceptive, and transparent. Its goal has nothing to do with abortion. Its goal is to try to undermine a very thoughtful and important bill. I urge a no vote on the Coburn amendment and a yes vote for Campbell-Conyers.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY), my good friend.

Mrs. LOWEY. Mr. Chairman, I would like to clarify the statement from my good friend, the gentleman from Oklahoma (Mr. COBURN), who said that unless someone is willing to terminate an unborn child they cannot practice medicine. Look at what the Greenwood amendment says, that the Committee on Rules and the gentleman would not accept. It clearly says and provides for a religious exception.

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

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

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

The CHAIRMAN. Pursuant to House Resolution 542, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. COBURN) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 6 printed in House Report 106–709.

AMENDMENT NO. 6 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. DAVIS of Illinois:

Add at the end the following new subsection:

(j) SENSE OF CONGRESS.—It is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or health care professional in consultation with the patient.

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

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may inquire.

Mr. CAMPBELL. In the absence of anyone opposed, may I claim the time for additional speakers on our side?

The CHAIRMAN. The gentleman from California (Mr. CAMPBELL) may claim the time in opposition, by unanimous consent.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, that I like and support.

The CHAIRMAN. Is there objection to the unanimous consent request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to commend and congratulate the gentleman from California (Mr. CAMPBELL) and the gentleman from Michigan (Mr. CONYERS) on the introduction of a necessity whose time has come, that is, the Quality Health-Care Coalition Act.

I also want to thank the Committee on Rules for making my amendment in order. The amendment that I offer today enhances the underlying bill by expressing a sense of Congress relative to decisions regarding medical care and treatment. This amendment simply states that it is the sense of this body that decisions regarding medical care and treatment should be made primarily by the physician or health care professional in consultation with the patient.

In my congressional district I have 22 hospitals and a vast a array of other health and medical research institutions and many residents with serious health and medical needs. Oftentimes health providers and patients will agree on a course of action, a course of treatment, that they consider best.

However, the HMO or insurer will have, in some cases, drafted guidelines and rules that will not allow payment for the suggested treatment prescribed by the doctor.

That leads to a situation where the doctor may have to forego his or her prescribed recommendation in order to get the patient's bill paid. In some instances, this has led to tragic consequences for patients. Quality health care is not only found in providing access. It is also found in the ability of doctors and other health providers to find remedies that may be outside the box. In other words, clinicians working for HMOs who draw guidelines to suggest that one size fits all, limit medical potential and the use of modern medical technology and does not allow for unique individual differences that patients may have.

The power of insurers to determine coverage potentially gives them the power to dictate professional standards of care for all but the wealthiest of patients. That is not appropriate. It is not good care, and it is not right.

Too many patients are suffering because HMOs have put profits ahead of patient care. This House cannot stand silently by while insurance company decisions are superseding the recommendations of health experts and doctors.

It is time that we strengthen the doctor-patient relationship. Therefore, I would urge support for this important amendment and urge its passage. I would also suggest that on the eve of July 4, I believe that it is time that we pass a declaration of independence for this Nation's doctors, nurses and other health care providers who along with their patients ought to be able to determine the best and most appropriate course of action.

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

PARLIAMENTARY INQUIRY

Mr. OSE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OSE. Mr. Chairman, wishing to speak in favor of the gentleman's amendment, how would I go about requesting time?

The CHAIRMAN. The gentleman would proceed by asking unanimous consent for additional time, which would be granted on both sides.

Mr. OSE. Mr. Chairman, I ask unanimous consent to address the House for 2 minutes in favor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California? Objection is heard.

Is any Member in the Chamber seeking to control time in opposition?

Mr. DAVIS of Illinois. Mr. Chairman, could I inquire of the Chair how much time I have left?

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) has 1 minute remaining.

Mr. DAVIS of Illinois. Mr. Chairman, then I would be pleased to yield the 1 minute that I have remaining to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the gentleman from Illinois (Mr. DAVIS) for his very cordial provision of time.

Mr. Chairman, I rise in support of the gentleman's amendment, and I just wish to relate the impact in my district of the lack of available physician or health care professional assistance within the Medicare HMO sector of the health care market. The consequence that I am referring to is HCFA's interpretive nature on reimbursement rates that are allowed to Medicare HMOs and the like, and the consequence on doctors for providing service.

I saw a study today that estimates that HCFA has exacted over $50 billion over congressional intent by virtue of BBA–97. To the extent that we can return control of these decisions to a doctor and the patient, this is a step in the right direction, and I heartily endorse it.

The CHAIRMAN. Is there any Member seeking time in opposition?

Mr. THOMAS. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

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

Mr. Chairman, I do so to enter into a colloquy with my colleague, the gentleman from Illinois (Mr. DAVIS), only for clarification purposes.

I do believe that the sense of this resolution is to make sure that medical decisions are made by the medical professionals, but I do have some concern about the wording because it says that it is the sense of Congress that decisions regarding medical care and treatment should be made by the physician or, and here is my concern, health care professional. We had heard some discussion earlier on another amendment that this legislation was not just about physicians; that it was about other health care professionals as well.

□ 0050

I am concerned about the class that would be covered by the term health care professional, because it is possible that some of those categories may, in fact, be jobs that we would not want to have the decision making and treatment recommendation in their hands. So was the intent of the gentleman from Illinois (Mr. DAVIS) in terms of expanding beyond physicians the decision-making capability regarding medical care and treatment?

Mr. DAVIS of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. DAVIS of Illinois. Mr. Chairman, the intent is oftentimes medical providers work as a team. The physician is generally the lead person on the team, and so the language is not restricted to a physician in a situation where only he or she is working alone, but also as they work as members of a team who might be working on a particular problem.

Mr. THOMAS. Reclaiming my time, I thank the gentleman for the clarification. I still have difficulty with the

language, because the word between physician and health care professional is not ''and,'' it is ''or.'' So that it could be the physician or the health care professional, and the health care professional, depending on the way we define it, could be the candy striper in the hospital, and the candy striper in the hospital is the health care professional, and they make decisions regarding medical care and treatment.

Does Congress want to go on record that it is the sense of Congress that the orderly, that the cook, that the person who is doing menial tasks but is classified as the health care professional is going to make decisions regarding medical care and treatment. Is that what we are doing it?

Mr. DAVIS of Illinois. If the gentleman would continue to yield, the definition of health care professional reads in the bill: The term health care professional means an individual who provides health care items or services, treatment, assistance with activities of daily living or medications to patients and who to the extent required by State or Federal law possesses specialized training that confers expertise in the provision of such items or services, treatment, assistance, or medications.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, that means that somebody who is trained in giving someone a bath, because they are incapable of doing that is one of the activities of daily living that would be classified as the health care professional and, therefore, Congress believes that they should make medical care and treatment decisions; that is what the sense of Congress says.

I think it is fairly early in the morning, and we are getting a little carried away in terms of what we want to do. If we want to say as a Congress, people who give people baths ought to be able to make medical decisions about their care and treatment, vote yes on this sense of Congress.

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

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

Mr. GANSKE. I say to the gentleman from California (Mr. THOMAS) maybe one way to resolve this at this late hour is simply that it sounds as if basically these people, health professionals, this is covered within the extent of the duties that are described generally within their job.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I think the gentleman from Iowa (Mr. GANSKE) will find that is about the all-inclusive description of health care professionals I have heard, including people who give people baths.

Mr. GANSKE. If the gentleman will continue to yield. Again, I would not have a problem with a person whose job it is to give a patient a bath, if that is the only thing we are talking about.

Mr. THOMAS. I understand that, but this says the sense of Congress is that decisions regarding medical care and treatment, it does not say how we take a bath.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The amendment was agreed to.

Mr. THOMAS. No, no, I was on my feet.

The CHAIRMAN. The gentleman will suspend.

Mr. THOMAS. I was on my feet.

The CHAIRMAN. The gentleman from California (Mr. THOMAS) did not call for a recorded vote. The Chair moved the further proceedings.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 542, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1 by Mr. BALLENGER of North Carolina;

Amendment No. 2 by Mr. STEARNS of Florida;

Amendment No. 3 by Mr. COX of California;

Amendment No. 4 by Mr. TERRY of Nebraska; and,

Amendment No. 5 by Mr. COBURN of Oklahoma.

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

AMENDMENT NO. 1 OFFERED BY MR. BALLENGER

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentleman from North Carolina (Mr. BALLENGER) 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 71, noes 345, not voting 19, as follows:

[Roll No. 367]

AYES—71

Armey
Ballenger
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bliley
Blunt
Boehner
Bonilla
Bono
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Cunningham
DeLay
DeMint
Dreier
Dunn
Ewing
Gekas
Goodling
Goss
Gutknecht
Hastert
Hayworth
Hoekstra
Hostettler
Houghton
Hulshof
Johnson (CT)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Lewis (KY)
Linder
McCrery
McKeon
Miller, Gary
Myrick
Nussle
Packard
Pease
Pitts
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rogers
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Stump
Sununu
Terry
Thomas
Tiahrt
Watkins
Watt (NC)

NOES—345

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)

Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Meeks (NY)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0113

Messrs. LARSEN, BARCIA, GOODLATTE, GREEN of Wisconsin, LATHAM, and SHAYS changed their vote from ''aye'' to ''no.''

Mr. HOEKSTRA and Mr. LINDER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 542, 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 NO. 2 OFFERED BY MR. STEARNS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. STEARNS) 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 94, noes 320, not voting 21, as follows:

[Roll No. 368]

AYES—94

Armey
Ballenger
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Crane
Cunningham
Davis (FL)
DeLay
DeMint
Dooley
Dreier
Ehlers
Ehrlich
Gekas
Goodlatte
Goodling
Goss
Green (WI)
Hansen
Hastert
Hayworth
Hefley
Herger
Hill (IN)
Hoekstra
Hostettler
Hulshof
Hutchinson
Johnson (CT)
Kingston
Knollenberg
Kolbe
Largent
Larson
Latham
Lewis (KY)
Lucas (OK)
Luther
McCrery
McInnis
McKeon
Mica
Miller, Gary
Mink
Moran (KS)
Myrick
Northup
Nussle
Oxley
Packard
Pease
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Shadegg
Shays
Souder
Spence
Stearns
Stump
Sununu
Terry
Thomas
Tiahrt
Toomey
Watkins
Wicker
Young (AK)

NOES—320

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—21

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Houghton
Johnson, Sam
Klink
Lee
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Scarborough
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0120

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 201, noes 214, not voting 20, as follows:

[Roll No. 369]

AYES—201

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly

Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Sweeney
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Linder
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Rush
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0126

Mr. TANNER and Mr. MORAN of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. TERRY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 offered by the gentleman from Nebraska (Mr. TERRY) 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 78, noes 338, not voting 19, as follows:

[Roll No. 370]

AYES—78

Armey
Ballenger
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Burton
Buyer
Cannon
Castle
Chabot
Coble
Coburn
Combest
Cox
Crane
DeLay
DeMint
Dreier
Dunn
Ewing
Gekas
Goodlatte
Goodling
Goss
Green (WI)
Hastert
Hayworth
Hoekstra
Hostettler
Hulshof
Johnson (CT)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (KY)
McCrery
McKeon
Miller, Gary
Myrick
Nussle
Oxley
Packard
Pease
Pitts
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rogers
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Shadegg
Skeen
Souder
Stump
Sununu
Tancredo
Terry
Thomas
Tiahrt
Toomey
Walden
Watkins

NOES—338

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow

Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Linder
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0133

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 offered by the gentleman from Oklahoma (Mr. COBURN) 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 213, noes 202, answered ''present'' 1, not voting 19, as follows:

[Roll No. 371]

AYES—213

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kaptur
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—19

Archer
Clay
Cook
Filner
Fowler
Ganske
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Shuster
Stark
Taylor (NC)
Vento
Young (FL)

□ 0139

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CONYERS. Mr. Chairman, I will not offer a motion to recommit. As the lead cosponsor of the bill, I wish that the Coburn amendment had been defeated but notwithstanding its adoption I am asking everyone to vote aye on final passage.

This vote is not being scored by the pro choice community.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. SHIMKUS, 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. 1304) to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act, pursuant to House Resolution 542, he reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was 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.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 136, answered ''present'' 2, not voting 20, as follows:

[Roll No. 372]

AYES—276

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Barcia
Barr
Bartlett
Bentsen
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Campbell
Canady
Capuano
Cardin
Carson
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Menendez
Mica
Miller (FL)
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Porter
Price (NC)
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Scott
Serrano
Sessions
Shaw
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Wamp
Weiner
Weldon (FL)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn

NOES—136

Armey
Baird
Baldwin
Ballenger
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Cannon
Capps
Castle
Chabot
Coble
Coburn
Combest
Cox
Crane
Cunningham
DeGette
DeLay
DeMint
Deutsch
Dixon
Doggett
Dooley
Dreier
Dunn
Ehlers
Eshoo
Ewing
Gekas
Goodling
Goss
Gutierrez
Gutknecht
Hastings (FL)
Hayworth
Herger
Hobson
Hoekstra
Holt
Hostettler
Houghton
Inslee
Jackson (IL)
Johnson (CT)
Jones (OH)
Kilpatrick
Kingston
Knollenberg
LaHood
Largent
Larson
Latham
Lee
Lewis (GA)
Lofgren
Lowey
Luther
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Meeks (NY)
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Myrick
Northup
Nussle
Oxley
Packard
Pease
Pelosi
Pitts
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Rogers
Roybal-Allard
Ryun (KS)
Sabo
Sanchez
Sanford
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shays
Sherman
Sherwood
Skeen
Smith (WA)
Stearns
Stump
Sununu
Terry
Thomas
Thurman
Tiahrt
Toomey
Towns
Velazquez
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Wexler
Woolsey
Young (AK)

ANSWERED ''PRESENT''—2

Becerra
Owens

NOT VOTING—20

Archer
Clay
Cook
Filner
Fowler
Hastings (WA)
Johnson, Sam
Klink
Markey
Martinez
McIntosh
McNulty
Meek (FL)
Metcalf
Shuster
Spence
Stark
Taylor (NC)
Vento
Young (FL)

☐ 0157

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

Mr. ROYCE and Mr. PORTER changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION PROVIDING FOR ADJOURNMENT OF THE HOUSE AND SENATE FOR INDEPENDENCE DAY DISTRICT WORK PERIOD

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 541 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 541

Resolved, That upon the adoption of this resolution is shall be in order, any rule of the House to the contrary notwithstanding, to consider a concurrent resolution providing for adjournment of the House and Senate for the Independence Day district work period.

SEC. 2. House Resolutions 469 and 482 are laid on the table.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. REYNOLDS. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate concurrent resolution (S. Con. Res. 125) and ask for its immediate consideration in the House.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 125

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 29, 2000, Friday, June 30, 2000, or on Saturday, July 1, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 10, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, June 29, 2000, or Friday, June 30, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The Senate concurrent resolution is not debatable.

Without objection, the previous question is ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF HON. CONSTANCE A. MORELLA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 10, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 29, 2000.

I hereby appoint the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 10, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 12, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 12, 2000.

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

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, July 10, 2000, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

APPOINTMENT AS MEMBERS TO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act, the Chair announces the Speaker's appointments of the following Members of the House to the Abraham Lincoln Bicentennial Commission:

Mr. LAHOOD, Illinois, and in addition,

Ms. Joan Flinspach, Fort Wayne Indiana;

Mr. James R. Thompson, Chicago, Illinois.

COMMUNICATION FROM THE HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Member of Congress:

WASHINGTON, DC,
June 29, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (P.L. 106–173), I hereby appoint the following individuals to the Abraham Lincoln Bicentennial Commission: Mr. David Phelps, IL, and Ms. Louis Taper, CA.

Yours Very Truly,

RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and June 30 on account of a graduation in the family.

Mr. MARKEY (at the request of Mr. GEPHARDT) for today on account of family illness.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 11:15 p.m. on account of illness.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and June 30 on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:

Mr. PALLONE, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

The following Members (at the request of Mr. REYNOLDS) to revise and extend their remarks and include extraneous material:

Mr. BEREUTER, for 5 minutes, June 30.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported and that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3051. An act to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache reservation in the State of New Mexico; and for other purposes.

H.R. 4762. An act to amend the Internal Revenue Code of 1986 to require 527 organizations to disclose their political activities.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1515. An act to amend the Radiation Exposure Compensation Act, and for other purposes.

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, pursuant to Senate Concurrent Resolution 125, 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of Senate Concurrent Resolution 125, 106th Congress, the House stands adjourned until 12:30 p.m. on Monday, July 10, 2000, for morning hour debates.

Thereupon, (at 2 o'clock and 6 minutes a.m.), pursuant to Senate Concurrent Resolution 125, the House adjourned until Monday, July 10, 2000 for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8429. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1999, through March 31, 2000, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

8430. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Response Plans for Marine Transportation-Related Facilities Handling Non-Petroleum Oils [USCG–1999–5149] (RIN: 2115–AF79) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8431. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Fireworks Display, Pier 54, Hudson River, New York [CGD01–00–145] (RIN: 2115–AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8432. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Acushnet River, Annisqualm River, Fore River and Tauton River, MA [CGD01–00–135] (RIN: 2115–AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8433. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Columbia River, OR [CGD13–00–008] (RIN: 2115–AE47) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8434. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Atlantic Ocean, Virginia Beach, VA [CGD05–

00–015] (RIN: 2115–AA97) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8435. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; York River, VA [CGD05–00–019] (RIN: 2115–AA97) [CGD05–00–019] received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8436. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Regulations: SAIL BOSTON 2000, Port of Boston, MA [CGD01–99–191] (RIN: 2115–AA97, AA98, AE46) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee of Conference. Conference report on H.R. 4425. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–710). Ordered to be printed.

Mr. COMBEST: Committee on Agriculture. H.R. 4541. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; with an amendment (Rept. 106–711 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4541. Referral to the Committees on Banking and Financial Services and Commerce extended for a period ending not later than September 6, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CRANE:

H.R. 4782. A bill to provide for the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Republic of Georgia; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. THOMAS, Mrs. BONO, Mr. THOMPSON of California, Mr. RADANOVICH, Mr. HERGER, Mr. FOLEY, and Mr. PACKARD):

H.R. 4783. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of crops destroyed by casualty; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. GREEN of Wisconsin, and Mr. LAHOOD):

H.R. 4784. A bill to provide for the establishment of a Midwest Clean Air Gasoline Reserve to ensure the availablity of gasoline in the Midwest; to the Committee on Commerce.

By Mrs. KELLY:

H.R. 4785. A bill to amend title 38, United States Code, to revise the provisions of law relating to the payment of accrued benefits by the Department of Veterans Affairs in the case of the death of a veteran with a pending claim for an increase in service-connected disability rating; to the Committee on Veterans' Affairs.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4786. A bill to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the ''Samuel P. ROBERTS Post Office Building''; to the Committee on Government Reform.

By Mr. BARR of Georgia (for himself, Mr. ISAKSON, Mr. KINGSTON, Mr. COLLINS, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. BISHOP, and Mr. LEWIS of Georgia):

H.R. 4787. A bill to designate the Federal building located at 600 East First Street in Rome, Georgia, as the ''Lawrence Patton McDonald Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. BARRETT of Nebraska (for himself and Mr. MINGE):

H.R. 4788. A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act; to the Committee on Agriculture.

By Mr. CARDIN (for himself, Mr. HOYER, Mr. CUMMINGS, Mr. WYNN, Mr. EHRLICH, and Mr. GILCHREST):

H.R. 4789. A bill to amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to revise and enhance authories, and to authorize appropriations, for the Chesapeake Bay Office, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Mr. YOUNG of Alaska, Mr. PETERSON of Minnesota, Mr. CUNNINGHAM, Mr. PICKERING, Mr. GREEN of Wisconsin, Mr. THUNE, and Mr. HANSEN):

H.R. 4790. A bill to recognize hunting heritage and provide opportunities for continued hunting on public lands; to the Committee on Resources.

By Mr. HAYWORTH (for himself, Mr. GIBBONS, and Mr. QUINN):

H.R. 4791. A bill to amend title 38, United States Code, to establish a presumption of service connection for the occurrence of hepatitis C in certain veterans; to the Committee on Veterans' Affairs.

By Mr. INSLEE (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. BAIRD, Mr. SMITH of Washington, Mr. DICKS, Mr. MCDERMOTT, and Mr. HOLT):

H.R. 4792. A bill to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KINGSTON (for himself, Mr. DEAL of Georgia, Mr. LINDER, Mr. NORWOOD, Mr. CHAMBLISS, Mr. COLLINS, Mr. LEWIS of Kentucky, Mr. COBLE, Mr. SPENCE, Mr. TAUZIN, Mr. DUNCAN, Mr. DOOLITTLE, Mr. HORN, Mr. HOLDEN, Mrs. MINK of Hawaii, Mr. PETERSON of Minnesota, Mr. RILEY, Mr. GUTKNECHT, Mr. SHERWOOD, Mr. FOLEY, Mr. DICKEY, Mr. SHOWS, Mr. GIBBONS, Mr. SESSIONS, Mr. EHRLICH, Mr. COMBEST, Mr. PICKERING, Mr. PAUL, Mr. BISHOP, Mr. BAKER, Mr. WAMP, Mr. BARR of Georgia, Mr. GOODE, Mr. CANNON, Mr. HILLEARY, Mr. SCHAFFER, Mr. CAMPBELL, Mr. WISE, Mr. KIND, Mr. LATHAM, and Ms. DANNER):

H.R. 4793. A bill to amend title XIX of the Social Security Act to waive the obstetrician requirement insofar as it prevents DSH designation in the case of certain rural hospitals; to the Committee on Commerce.

By Mr. LARSON (for himself, Mr. GILCHREST, Mr. MALONEY of Connecticut, Mr. SKELTON, Mrs. MORELLA, Mr. WEINER, Mr. HINCHEY, Mr. BORSKI, Mr. WEYGAND, Mr. GILMAN, Mr. KENNEDY of Rhode Island, Mr. SMITH of New Jersey, Mr. BRADY of Pennsylvania, Mr. GEJDENSON, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. KELLY, Mr. BOUCHER, Mr. WYNN, Mr. ABERCROMBIE, Mr. CARDIN, Mr. DAVIS of Virginia, Mr. MCGOVERN, Mr. HOYER, Mr. OBERSTAR, Mr. CASTLE, Mr. SWEENEY, Mr. EHRLICH, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. CUMMINGS):

H.R. 4794. A bill to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War; to the Committee on Resources.

By Mr. LAZIO:

H.R. 4795. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking and Financial Services.

By Mr. LAZIO:

H.R. 4796. A bill to extend the Stamp Out Breast Cancer Act; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky (for himself and Mr. FLETCHER):

H.R. 4797. A bill to amend title XI of the Social Security Act to direct the Commissioner of Social Security to conduct outreach efforts to increase awareness of the availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN (for herself, Mr. MCCOLLUM, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. KING, Ms. PELOSI, Mr. HORN, Mr. SERRANO, Mrs. BONO, Mr. FARR of California, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. MEEHAN, Ms. VELAZQUEZ, Mr. DELAHUNT, Mr. DOOLEY of California, Mrs. THURMAN, Mr. THOMPSON of California, Mr. CONDIT, Mr. WEINER, Mrs. CAPPS, Mr. WAXMAN, Mr. MATSUI, Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Ms. RIVERS, Ms. WOOLSEY, Mr. PAYNE, and Mrs. NAPOLITANO):

H.R. 4798. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 4799. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. HANSEN, and Mr. DELAY):

H.R. 4800. A bill to require the Secretary of the Interior to identify appropriate lands within the area designated as Section 1 of the Mall in Washington, D.C., as the location of a future memorial to former President Ronald Reagan, to identify a suitable location, to select a suitable design, to raise private-sector donations for such a memorial, to create a Commission to assist in these activities, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself and Mr. POMBO):

H.R. 4801. A bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER (for himself, Mr. SESSIONS, Mr. NORWOOD, Mrs. MYRICK, Mr. FOLEY, Mr. BAKER, Mr. GILMAN, Mr. MCCOLLUM, and Mr. MICA):

H.R. 4802. A bill to clarify Congressional intent regarding the relationship between State and Federal law governing controlled substances; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 4803. A bill to amend the National Flood Insurance Act of 1968 to ensure homeowners are provided adequate notice of flood map changes and a fair opportunity to appeal such changes; to the Committee on Banking and Financial Services.

By Mr. STUPAK:

H.R. 4804. A bill to require that fines paid to the United States as a result of motor fuel price investigations shall be rebated to consumers in the form of reductions in Federal motor fuel excise taxes; to the Committee on Ways and Means.

By Mr. WATKINS (for himself, Mr. THORNBERRY, Mr. SKEEN, Mr. SESSIONS, Mr. SMITH of Texas, Mr. COMBEST, and Mr. YOUNG of Alaska):

H.R. 4805. A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and elderly, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Resources, Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 4806. A bill to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. COBURN (for himself, Mr. WAXMAN, Mr. BILIRAKIS, Mr. GREENWOOD, Mr. BROWN of Ohio, Mr. STUPAK, Mr. ARMEY, Mr. BILBRAY, Mr. NORWOOD, Mr. COX, Mr. ROGAN, Mr. BARRETT of Wisconsin, Mrs. BONO, Mr. FOLEY, Mr. SHAYS, Mr. HINCHEY, Mr. WEYGAND, Mr. DEUTSCH, Mr. BURR of North Carolina, Mrs. MORELLA, Mr. WELDON of Florida, Mr. SHADEGG, and Mr. STEARNS):

H.R. 4807. A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes; to the Committee on Commerce.

By Mr. LAFALCE:

H.R. 4808. A bill to establish the New York Canal National Heritage Corridor as an affiliated unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. PETRI (for himself, Mr. GEORGE MILLER of California, Mr. SKEEN, Mr. BOEHLERT, Ms. SLAUGHTER, and Mr. MARTINEZ):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress regarding the importance and value of education in United States history; to the Committee on Education and the Workforce.

By Mr. SHIMKUS (for himself, Mr. KUCINICH, Mr. LANTOS, Mr. HOBSON, Mr. BILBRAY, Ms. SLAUGHTER, Mr. LARSON, Mr. MCNULTY, Mr. MENENDEZ, Mr. KNOLLENBERG, Mr. SMITH of New Jersey, Mr. BORSKI, Mr. KOLBE, Mr. KING, Mr. PALLONE, and Mr. DOYLE):

H. Con. Res. 367. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on International Relations.

By Mr. WATTS of Oklahoma (for himself and Mr. LEWIS of Georgia):

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on House Administration.

By Mr. HASTINGS of Florida:

H. Res. 543. A resolution expressing the sense of the House of Representatives regarding the recent summit held by the Presidents of South Korea and North Korea; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

360. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 37 memorializing the Twentieth Legislature of the State of Hawaii for the responsible use of agricultural biotechnology for the benefit of Hawaii's people; to the Committee on Agriculture.

361. Also, a memorial of the Legislature of the State of Georgia, relative to Senate Resolution No. 478 memorializing the Congress of the United States to address potential federal monetary assessments that could be placed on southeastern peanut growers, including Georgia peanut growers, when the 2000 peanut crop is harvested; and for other purposes; to the Committee on Agriculture.

362. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 207 memorializing the Congress of the United States to establish the national United States Military Museum at Fort Belvoir, Virginia; to the Committee on Armed Services.

363. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 310 memorializing the Congress of the United States to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating; to the Committee on Banking and Financial Services.

364. Also, a memorial of the Legislature of the State of New Mexico, relative to Senate Memorial No. 5 urging the Congress of the United States to amend the employee retirement income security act of 1974 to grant authority to all individual states to monitor and regulate self-funded employer-based health plans in order to provide greater consumer protection and effect health care reform; to the Committee on Education and the Workforce.

365. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 385 memorializing the Congress of the United States to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulate the importation of muncipal solid waste into their jurisdictions; to the Committee on Commerce.

366. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Concurrent Resolution No. 30 urging the Environmental Protection Agency to adopt recently proposed new emission standards for heavy-duty vehicles, at least as stringent as orginally proposed, and to adopt a second phase of emission standards for heavy duty vehicles and reductions in the sulfur content of highway diesel fuel; to the Committee on Commerce.

367. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 111 memorializing the Congress of the United States to pursue the establishment of a State-Province relations of friendship between the State of Hawaii of the United States of America and the Province of Thua Thien-Hue of the Socialist Republic of Vietnam; to the Committee on International Relations.

368. Also, a memorial of the Legislature of the State of Maine, relative to Joint Resolution memorializing the Congress of the United States to work toward a solution to the problem in Cyprus; to the Committee on International Relations.

369. Also, a memorial of the Legislature of the State of Hawaii, relative to House Resolution No. 123 memorializing the United States House of Representatives to speedily pass S. 1052 relating to the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

370. Also, a memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 41 memorializing the federal government to recognize an official political relationship between the United States government and the Native Hawaiian people; further memorializing the United States Congress and President to articulate and implement a federal policy of Native Hawaiian self-government with a distinct, unique, and special trust relationship and to implement reconciliation pursuant to Public Law 103–150; to the Committee on Resources.

371. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 71 memorializing the Congress of the United States to propose an amendment to the Constitution of the United States to allow for voluntary school prayer; to the Committee on the Judiciary.

372. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5059 memorializing the Congress of the United States to propose submission to the states an amendment to the Constitution of the United States of America restricting the ability of the federal judiciary to mandate any state or subdivision thereof to levy or increase taxes; to the Committee on the Judiciary.

373. Also, a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 36 requesting Exxon Mobil Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill; to the Committee on the Judiciary.

374. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 103 memorializing the Congress of the United States to provide federal funding for expansion of certain highway rest stops; to the Committee on Transportation and Infrastructure.

375. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 284 memorializing the Congress of the United States to amend that portion of the Trade Act of 1974 establishing the North American Free Trade Agreement Transitional Adjustment Assistance Program to extend the maximum time period for receipt of benefits from 52 weeks to 78 weeks; to the Committee on Ways and Means.

376. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 283 memorializing the Congress of the United States to enhance the benefits for individuals eligible for North American Free Trade Agreement (NAFTA) transitional adjustment assistance; to the Committee on Ways and Means.

377. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Resolutions urging the Congress to enact legislation to increase the per capita allocation of private activity bonds from 50 to 75 dollars and the housing tax credit cap from $1.25 to $1.75; to the Committee on Ways and Means.

378. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 158 memorializing the Congress of the United States regarding voluntary, individual, unorganized, and non-mandatory prayer in public schools; jointly to the Committees on Education and the Workforce and the Judiciary.

379. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 28 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

380. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Concurrent Resolution No. 73 memorializing the United States Congress to support legislation to extend medicare coverage to prescription drugs for the elderly and disabled; jointly to the Committees on Ways and Means and Commerce.

381. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Resolution No. 6 memorializing the President of the United States and the Congress to work together to reform the financial structure of the Coal Industry Retiree Health Benefit Act; jointly to the Committees on Ways and Means and Education and the Workforce.

382. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 168 memorializing the Congress of the United States to protect senior assets from liquidation to meet eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

383. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 163 memorializing the the Congress of the United States to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits; jointly to the Committees on Ways and Means and Commerce.

384. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 7 memorializing the Congress of the United States to adopt a program which will provide prescription drug coverage to Medicare beneficiaries; jointly to the Committees on Ways and Means and Commerce.

385. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 374 memorializing the President and the Congress of the United States to work together to reform the financial structure of the Coal Act to ensure that retired coal miners continue to receive the health care benefits they were promissed and rightly deserve; jointly to the Committees on Ways and Means and Education and the Workforce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. KELLY introduced a bill (H.R. 4809) for the relief of Thomas J. Sansone, Jr.; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. KOLBE and Mr. LOBIONDO.

H.R. 123: Mr. JONES of North Carolina and Mr. HULSHOF.

H.R. 141: Mr. PAYNE, Mr. GEORGE MILLER of California, and Mr. ROTHMAN.

H.R. 148: Mr. SCARBOROUGH.

H.R. 175: Mr. EDWARDS

H.R. 531: Mr. PASTOR.

H.R. 534: Mrs. MORELLA and Mr. PETERSON of Minnesota.

H.R. 755: Mr. GEORGE MILLER of California.

H.R. 870: Mr. COOK.

H.R. 1102: Mr. GALLEGLY.

H.R. 1129: Mr. HOLT.

H.R. 1217: Mr. DEAL of Georgia.

H.R. 1229: Mr. MASCARA.

H.R. 1248: Mr. HOLDEN.

H.R. 1275: Mr. JACKSON of Illinois, Mr. BRADY of Pennsylvania, Mr. NADLER, Mr. LAHOOD, Mr. UPTON, Mr. CHABOT, Ms. LOFGREN, Mr. CARDIN, Mr. BLAGOJEVICH, and Mr. BILIRAKIS.

H.R. 1387: Mr. BLUMENAUER.

H.R. 1452: Mr. COSTELLO.

H.R. 1590: Ms. MCKINNEY.

H.R. 1595: Mr. PAYNE.

H.R. 1621: Ms. MCCARTHY of Missouri and Mr. MOORE..

H.R. 1795: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TIERNEY, Mr. CAMPBELL, and Mr. ANDREWS.

H.R. 1824: Mr. FLETCHER.

H.R. 1837: Mr. BORSKI.

H.R. 1885: Mr. VISCLOSKY.

H.R. 2121: Mr. BALDACCI, Ms. VALAZQUEZ, and Ms. MCCARTHY of Missouri.

H.R. 2129: Mr. BORSKI, Mr. HEFLEY, Mr. MCCRERY, Mr. TANCREDO, Mr. HILL of Montana, Mr. SCARBOROUGH, Mr. PETRI, Mrs. EMERSON, Mr. GRAHAM, and Mr. DUNCAN.

H.R. 2308: Mr. BLAGOJEVICH.

H.R. 2341: Mr. WALSH, Mr. ENGEL, Mr. LAMPSON, and Mr. SERRANO.

H.R. 2362: Mr. DAVIS of Virginia.

H.R. 2594: Mr. FILNER and Ms. CARSON.

H.R. 2702: Mr. RANGEL.

H.R. 2870: Mr. HOLT.

H.R. 2906: Mr. SCHAFFER and Mr. EVANS.

H.R. 3003: Mr. COYNE.

H.R. 3082: Mr. HOBSON.

H.R. 3091: Mr. ORTIZ.

H.R. 3100: Mr. HOBSON.

H.R. 3180: Ms. LEE.

H.R. 3192: Mr. MALONEY of Connecticut and Ms. KILPATRICK.

H.R. 3195: Mrs. CHRISTENSEN.

H.R. 3225: Mr. DUNCAN.

H.R. 3301: Mr. POMBO.

H.R. 3303: Mr. PETERSON of Minnesota.

H.R. 3327: Mr. RADANOVICH.

H.R. 3433: Mr. TOWNS, Mr. SANDERS, and Mr. GALLEGLY.

H.R. 3514: Mr. MALONEY of Connecitcut, Mr. ANDREWS, and Mr. BLAGOJEVICH.

H.R. 3570: Mr. MCGOVERN.

H.R. 3580: Mr. PAYNE, Mr. WICKER, Mr. ISAKSON, Mr. CAMPBELL, Ms. ROYBAL-ALLARD, Mr. MENENDEZ, Mr. WATT of North Carolina, and Mr. ETHERIDGE.

H.R. 3625: Mr. COSTELLO, Mr. MCINTYRE, Mr. PHELPS, and Ms. PRYCE of Ohio.

H.R. 3650: Ms. LEE.

H.R. 3667: Mr. MEEHAN.

H.R. 3676: Mr. GONZALEZ, Mr. DEMINT, Ms. SANCHEZ, Mr. BOYD, Mr. BACA Ms. WOOLSEY, Mrs. NORTHUP, Mr. ENGLISH, Mr. SNYDER, Mr. JENKINS, Mr. WELDON of Pennsylvania, Mr. LAHOOD, and Mr. MCHUGH.

H.R. 3677: Mr. WALSH.

H.R. 3698: Mr. LAMPSON, Mr. STRICKLAND, Mr. HINOJOSA, Mr. ISAKSON, Mr. PICKERING, Mr. WICKER, and Mr. SHERWOOD.

H.R. 3826: Mr. PAYNE.

H.R. 3842: Mr. ENGEL, Mr. RODRIGUEZ, Mr. DOOLEY of California, Ms. HOOLEY of Oregon, Mr. ROGERS, Mr. CAPUANO, Mr. WYNN, and Mr. ROTHMAN.

H.R. 3875: Mr. RAMSTAD.

H.R. 3896: Mr. LOBIONDO.

H.R. 3915: Mr. PITTS, Mr. BAKER, Mr. BAIRD, Mr. HOBSON, and Mr. MOAKLEY.

H.R. 4004: Mr. CLEMENT, Mr. KENNEDY of Rhode Island, and Mr. BARRETT of Wisconsin.

H.R. 4011: Ms. SCHAKOWSKY.

H.R. 4049: Mr. RYAN of Wisconsin.

H.R. 4057: Ms. WATERS, Mr. FRANK of Massachusetts, Mr. SMITH of New Jersey, Mr. GUTIERREZ, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. KILDEE, Mr. GEJDENSON, Mr. LAFALCE, and Mr. SPENCE.

H.R. 4077: Mrs. MYRICK.

H.R. 4082: Mr. CLEMENT.

H.R. 4094: Mr. EDWARDS, Mr. WISE, Mr. STUPAK, Mr. HILLIARD, Mr. LUCAS of Kentucky, Ms. STABENOW, Mr. UNDERWOOD, Mr. HILL of Indiana, Mr. BERRY, Mr. WATT of North Carolina, and Mr. LATOURETTE.

H.R. 4106: Mrs. EMERSON.

H.R. 4113: Mr. BAKER, Mr. TANCREDO, Mr. KOLBE, Mr. RYUN of Kansas, and Mr. PITTS.

H.R. 4143: Mr. WATT of North Carolina.

H.R. 4157: Ms. SANCHEZ.

H.R. 4167: Ms. DANNER, Mr. FATTAH, Mr. PAYNE, Mrs. MEEK of Florida, and Ms. BROWN of Florida.

H.R. 4207: Ms. MILLENDER-MCDONALD and Mr. UDALL of New Mexico.

H.R. 4215: Mr. GOODE.

H.R. 4239: Mr. MEEHAN, Mr. ENGEL, and Mr. HINCHEY.

H.R. 4259: Mr. DIAZ-BALART.
H.R. 4277: Mr. JONES of North Carolina and Mr. DEUTSCH.
H.R. 4278: Mr. PALLONE.
H.R. 4328: Mr. WATTS of Oklahoma and Mr. HOBSON.
H.R. 4359: Ms. MCKINNEY and Mr. RANGEL.
H.R. 4366: Mr. HINCHEY, Mr. BLUMENAUER, Mr. PAYNE, Mr. DEFAZIO, Mr. SAXTON, Mr. JOHN, Mr. COOK, Mr. LEVIN, Mr. PASCRELL, and Mr. FILNER.
H.R. 4384: Mr. BONILLA, Mr. SHAYS, Mr. BONIOR, Mr. KINGSTON, Mr. MINGE, and Mr. BACA.
H.R. 4393: Mrs. TAUSCHER.
H.R. 4441: Mr. CUMMINGS.
H.R. 4481: Mr. MOLLOHAN and Mr. KIND.
H.R. 4483: Mr. BRADY of Pennsylvania.
H.R. 4495: Mr. CANADY of Florida, Mr. HINCHEY, Mrs. MORELLA, Mr. ROMERO-BARCELO, and Mr. WAMP.
H.R. 4502: Mr. CANADY of Florida, Mr. OSE, Mr. FLETCHER, Mr. SMITH of Michigan, and Mr. SCHAFFER.
H.R. 4511: Mr. BUYER, Mr. CANADY of Florida, Mr. DUNCAN, Mr. TAUZIN, Mr. FLETCHER, Mr. ISAKSON, and Mr. WATKINS.
H.R. 4539: Mr. KENNEDY of Rhode Island, Mr. ROMERO-BARCELO, Mr. EVANS, Mr. STENHOLM, Mr. SANDERS, and Ms. CARSON.
H.R. 4550: Mr. BISHOP.
H.R. 4560: Mr. HASTINGS of Washington.
H.R. 4565: Mr. BOYD, Mr. HYDE, Mr. WALDEN of Oregon, and Mr. EHLERS.
H.R. 4571: Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. WEXLER, Ms. BERKLEY, Mr. FORBES, Mr. GILMAN, and Mr. FOLEY.
H.R. 4593: Ms. KAPTUR and Mr. WATT of North Carolina.
H.R. 4652: Mr. KLECZKA, Mr. GOODLING, and Mr. PASTOR.
H.R. 4654: Mr. ROGAN and Mr. HOSTETTLER.
H.R. 4655: Mr. BARRETT of Wisconsin.
H.R. 4659: Mr. BARTLETT of Maryland, Mr. WOLF, Mrs. WILSON, Mr. RUSH, and Mrs. ROUKEMA.
H.R. 4660: Mr. REYES.
H.R. 4669: Mr. CAMP.
H.R. 4675: Ms. KAPTUR and Mr. WATT of North Carolina.
H.R. 4677: Mr. OBERSTAR.
H.R. 4712: Mrs. CUBIN.
H.R. 4719: Mr. CARDIN and Mr. CUNNINGHAM.
H.R. 4734: Mr. ROMERO-BARCELO.
H.R. 4739: Ms. NORTON.
H.R. 4750: Mrs. BONO, Mrs. KELLY, and Mr. RAMSTAD.
H.R. 4759: Mr. WELDON of Florida, Mr. JENKINS, and Mr. HANSEN.
H.R. 4770: Mr. BORSKI.
H.R. 4776: Mr. RILEY, Mr. WHITFIELD, and Mr. JONES of North Carolina.
H.J. Res. 102: Mr. OWENS, Ms. LEE, Mr. TIERNEY, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mrs. JONES of Ohio, Mr. CLAY, Mr. THOMPSON of Mississippi, Mr. FATTAH, Ms. CARSON, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. JEFFERSON, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mr. MEEKS of New York, Mr. WYNN, Mr. SHAYS, Ms. BROWN of Florida, Mr. PORTMAN, Mr. MICA, Mr. QUINN, Mrs. FOWLER, Mr. GIBBONS, Mr. GILCHREST, Mr. PETRI, Mr. LARGENT, Mr. TAUZIN, Mr. HERGER, Mr. GANSKE, Mr. HOBSON, Mr. HILL of Montana, and Mr. THOMAS.
H. Con. Res. 74: Ms. BALDWIN.
H. Con. Res. 177: Mr. MINGE.
H. Con. Res. 319: Mr. BEREUTER.
H. Con. Res. 321: Mr. DEFAZIO, Mr. NUSSLE, Mr. GIBBONS, and Mr. BALDACCI.
H. Con. Res. 340: Mr. BONIOR.
H. Con. Res. 357: Mr. BLUNT.
H. Con. Res. 363: Ms. GRANGER.
H. Res. 536: Mr. BONIOR.
H. Res. 537: Ms. MCCARTHY of Missouri, Mr. TANNER, Mr. LATOURETTE, and Mr. NEAL of Massachusetts.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Chaka Fattah, Robert A. Brady, Bill Pascrell, Jr., David D. Phelps, Ed Pastor, Jesse L. Jackson, Jr., Robert Wexler, Lucille Roybal-Allard, Albert Russell Wynn, Stephanie Tubbs-Jones, Peter Deutsch, David Wu, James E. Clyburn, Charles B. Rangel, Norman Sisisky, and Bart Stupak.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1304

OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: Page 3, line 17, insert before the period the following: ‘‘, but only if such health care professionals have received prior approval for such negotiations from the Federal Trade Commission or the Assistant Attorney General pursuant to subsection (i).’’.

Page 6, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

(i) PRIOR APPROVAL.—

(1) IN GENERAL.—Health care professionals who seek to engage in negotiations with a health plan as provided in subsection (a) must obtain approval from the Commission or the Assistant Attorney General prior to commencing such negotiations. The Commission or the Assistant Attorney General shall grant such approval if the Commission or Assistant Attorney General has determined that recognition under subsection (a) of the group of health care professionals for the purpose of engaging in collective negotiations with the health plan will promote competition and enhance the quality of patient care. The approval that is granted under this subsection may be limited in time or scope to ensure that these criteria are met. The Commission and the Assistant Attorney General shall make a determination regarding a request for approval under this paragraph within 30 days after the date it is received, if the request contains the information specified in regulations issued under paragraph (2). Failure by the Commission or Assistant Attorney General to make such determination within such 30-day period will be deemed to be an approval of the request by the Commission or the Assistant Attorney General.

(2) REGULATIONS.—The Commission, in consultation with the Assistant Attorney General, shall publish regulations implementing this subsection within six months of the effective date of this Act. Such regulations shall include the following:

(A) A description of the information that must be submitted by health care professionals who seek to obtain approval to engage in collective negotiations.

(B) Provisions for the opportunity for the public to submit comments to the Commission or the Assistant Attorney General for consideration in reviewing any request for approval by health care professionals to engage in collective negotiations under this section.

(C) Provision for a filing fee in an amount reasonable and necessary to cover the costs of the Commission and the Assistant Attorney General to implement this subsection. On an annual basis, this fee shall be updated to reflect any increases or decreases determined to be necessary to cover such costs.

(3) COORDINATION.—The Commission and the Assistant Attorney General shall coordinate so that an application is reviewed under this subsection by either the Commission or the Assistant Attorney General, but not both.

(4) EXEMPTION FOR SMALL GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection (other than subparagraph (B)), no prior approval is required under this subsection in the case of a group of health care professionals who are acting collectively with respect to a negotiation if such group constitutes less than 20 percent of the health care professionals in a specialty (or subspecialty) in the market area involved, as determined under regulations of the Commission.

(B) OVERSIGHT.—The Commission shall establish a process under which, if it receives a bona fide request that alleges that the negotiations of a group described in subparagraph (A) has not promoted competition or has not enhanced the quality of patient care, the Commission will review the request and may take such action as the Commission determines to be appropriate. Such action may include ordering that the results of the negotiations be vitiated and that the exemption under subparagraph (A) not apply to such group for such period as the Commission may specify.

Page 8, after line 8, insert the following:

(4) COMMISSION.—The term ‘‘Commission’’ means the Federal Trade Commission.

(5) ASSISTANT ATTORNEY GENERAL.—The term ‘‘Assistant Attorney General’’ means the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice.

H.R. 4461

OFFERED BY: MR. BERRY

AMENDMENT NO. 66: On page 31, line 14, strike ‘‘$693,000’’; and on page 36, line 13, strike ‘‘41,015,000’’ and replace with ‘‘41,708,000’’.

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 67: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in the Act may be expended for vaccine-related Federal advisory committees (Vaccines and Related Biological Products Advisory Committee, Advisory Committee on Immunization Practices, and the National Vaccine Advisory Committee) that grant waivers on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 68: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be expended for a vaccine-related Federal advisory committee (Vaccines and Related Biological Products Advisory Committee) that grants a waiver on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

H.R. 4461

OFFERED BY: MR. COBURN

AMENDMENT NO. 69: Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may, with respect to enforcement under the Federal Food, Drug, and Cosmetic Act, be expended to provide to any person a warning notice regarding the importation into the United States of a drug that is legally available in the United States.

H.R. 4461

OFFERED BY: MR. GILMAN

AMENDMENT NO. 70: Page 85, after line 15, insert the following new section:

SEC. □□. The Secretary of Agriculture shall use $15,000,000 of the funds of the Commodity Credit Corporation to provide compensation to producers of onions whose farming operations are located in a county designated by the Secretary as a disaster area for drought in 1999 and who suffered quality losses to their 1999 onion production due to, or related to, drought. Payments shall be made on a per hundredweight basis on each qualifying producer's pre-1996 production of onions, based on the 5-year average market price for yellow onions.

H.R. 4461

OFFERED BY: MR. HAYES

AMENDMENT NO. 71: Page 31, after line 5, insert the following:

ADMINISTRATIVE PROVISION

Any limitation established in this title on funds to carry out research related to the production, processing, or marketing of tobacco or tobacco products shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 72: Page 85, after line 15, insert the following new section:

SEC. □□. Within available funds, the Secretary of Agriculture is urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the fuel needs of the Department of Agriculture.

H.R. 4461

OFFERED BY: MR. METCALF

AMENDMENT NO. 73: Page 6, line 16, insert after the dollar amount ''(decreased by $40,000)''.

Page 57, line 24, insert after the second dollar amount ''(increased by $40,000)''.

H.R. 4461

OFFERED BY: MR. VISCLOSKY

AMENDMENT NO. 74: Strike Section 734 and insert as Section 734:

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