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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BRADLEY of New Hampshire).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 13, 2004.

I hereby appoint the Honorable JEB BRADLEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

RECOGNITION OF RETIRING REPUBLICAN DOUG BEREUTER

Mr. BLUMENAUER. Mr. Speaker, I was sorry that I was unable to join my colleagues last Thursday in saluting our departing Member, the gentleman from Nebraska (Mr. BEREUTER). He is everybody's model legislator. He is quiet and thoughtful, a serious man but with a light touch that sometimes one has to scratch the surface to reveal.

But he is, first and foremost, a policy maker, a policy maker by training, with a temperament and commitment to make things better within the limits and responsibilities of government. He represents a very exclusive cohort, he has graduate degrees from both the Harvard Graduate School of Design and the Harvard Kennedy School of Government, who over 30 years ago was working in the heartland dealing with planning and promoting economic development for the State of Nebraska.

I think of him still as an intelligence officer with an insatiable quest for information and direct contact. He is a tireless worker on his various committees, always a full participant whether it is the Permanent Select Committee on Intelligence, Committee on Transportation and Infrastructure, Committee on International Relations, or Committee on Financial Services, or some of the other activities that related to his work like the American Parliamentary Union. The list has been as extensive as it is impressive and important.

The gentleman from Nebraska (Mr. BEREUTER) has always been someone in this chamber who understands how to make things happen, whether it is as a junior or a senior Member of this body, whether in the majority or the minority, he understood what it took to be an effective Member of Congress. He would push against political currents, willing to debate those who are more interested in ideology and politics than they are in understanding and representing the unique interests of the broad public.

He was willing to be unpopular with some in the political class but he struck a resonant chord for both Houses of Congress, in the media, with staff, and with Americans everywhere, but, most of all, election after election, in his home state of Nebraska.

It is also important to note that he understood how to work with the outstanding men and women who are of his staff who make things happen. For over 26 years in his office, committees, interns and fellows, he helped launch hundreds of the best and brightest into careers in and out of government.

For 6 years it was my pleasure to work with him on a particular issue, reforming our Federal flood insurance program. Some may think it somewhat esoteric, but it had profound effects in terms of the Federal budget, the environment, and in the lives and livelihood of people who were unnecessarily at risk.

I must confess that I think I learned more about the legislative process working with the gentleman from Nebraska on this single bill than I did previously in law school and my own experience as a policy maker before coming to Congress. He is a master at his craft which is making public policy and bringing people together.

One of my colleagues referenced my notion that the gentleman from Nebraska (Mr. BEREUTER) is the glue that helps hold Congress together in occasionally fractious times.

One cannot reflect on his career without mentioning his spouse Louise, herself an educator and artist, in addition to playing the valuable role of congressional spouse.

It was my privilege to travel and share experiences with the Bereuters. I came to appreciate their insights into what a critical role is played by a congressional family. A life partner plays a critical role at home, with children, dealing with politics, providing their partner with insights and, generally, contributing to the well-being of this body.

We in Congress will miss them both, but our loss is good news for many because he and Louise relocate to the West Coast and look forward to assuming a new position as president of the Asia Foundation in September.

I know we all join in wishing them well and look forward to working with

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them in this new chapter in their lives. In the meantime, we thank them for enriching ours lives for over two decades.

OVERSPENDING AND OVER-PROMISING

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would just like to speak about what some consider boring statistics on government growth. I can add later in this 5-minute short brief, on where we are on not only overspending but over-promising.

We are now doing the appropriations bills. This is my last year in Congress. In the 12 years that I have been in Congress, all spending appropriations are increasing much faster than inflation. That means government is growing faster than everybody else's financial pocketbook who are citizens in this country.

Some years we have seen 3, 3½, one year almost 4 percent growth in the Federal Government faster than inflation.

The percentage of our total Federal budget that goes to service the debt, pay interest on the debt, of our annual overspending is now $7 trillion. And what it costs the taxpayers of this country to pay the interest on that debt is 14 percent of our total Federal spending. 14 percent represents a little more than $300 billion a year that we are spending on interest.

And so I ask, Mr. Speaker, guess what is going to happen to interest rates over the next couple of years or the next 10 years. Interest rates are going to go up. They are now at a relatively low percentage. And if the lower percentage represents a cost to us of $300 billion a year, what if interest rates were to go back up to where they were in the early 1980s?

Now, let us move from the high interest rates and that cost to taxpayers in the future to how much the total debt of this country is increasing. Now, I mentioned about $7 trillion current debt. We are increasing the debt now by over $500 billion a year. That means that this body, this Congress, these Members are going to have to look their grandkids in the face and try to explain today's overspending, saying something, some excuse, it was not my fault, it was somebody else's fault that taxes in your generation are so high.

We are going to hear a lot of rhetoric during these appropriation bills that Congress should spend more, in other words, go deeper into debt. And it is somewhat of an egotistical attitude that somehow we are pretending that our problems today are greater than what the problems are going to be for our kids and our grandkids.

Let me conclude by suggesting that it is not good for our security in this country. The Department of Treasury reports that 45 percent of our marketable debt for this government is held by foreign interests. Last year the overspending, which means more borrowing, resulted in 75 percent of it being picked up by foreign interests. China is now the country that is accumulating more of our debt. Just imagine, for a moment, the vulnerability that puts us in when we become so subject to another country in any kind of negotiations. Whether it is military or whether it is trade, and that country that owns so much of our equity says, well, you might not be the country we wish to invest in. That would put us in a very serious economic situation.

I conclude with the estimate by the actuaries of Medicare, Social Security, and Medicaid that are now predicting that the over-promising, the unfunded mandates, meaning how much money we are going to have to come up with over and above what is coming in currently in the FICA tax, the payroll tax, to accommodate the extra spending that is needed, again over and above the money that is coming in, is $73.5 trillion. So if one adds the unfunded liability of $73.5 trillion to $7 trillion debt, that means $80 trillion plus responsibility that we are loading on our kids.

I am a farmer from Michigan. We try to pay down the mortgage on the farm. This body is in effect saying let us spend more, let us solve more of the problems by borrowing more and let us pass the bill on to our kids.

SECOND ANNUAL TRI-CAUCUS

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from California (Ms. SOLIS) is recognized during morning hour debates for 1 minute.

Ms. SOLIS. Mr. Speaker, this morning I would like to report on the Second Annual Tri-Caucus Health Care Conference that was held this past weekend regarding health disparities that was sponsored by the Hispanic, the Black Caucus, and the Asian Pacific Islander Caucus. It was the first time that 12 Members gathered there in Miami, Florida, to begin the discussion to hear from the public as well as health care practitioners regarding chronic illnesses affecting these populations.

A resounding number of them continue to say that obviously we need more support from the Federal Government. We need more funding to combat the rising number of HIV and AIDS incidents reported among black teenagers and Hispanic teenagers, particularly among girls. Girls in their teenage ages are contacting HIV and AIDS in heterosexual relationships.

We need more research funding for planning to begin to address the issue of obesity which is now affecting many of our black and Latino students. Diabetes treatment, nutrition planning for low income minority communities was also outlined. We talked about expanding the need for the SCHIP program and also for Medicaid.

Mr. Speaker, I would ask that the public continue to support the health care disparities bill that was introduced in the House and the Senate earlier this year.

THE PASSING OF AL CASEY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. FROST) is recognized during morning hour debates for 1 minute.

Mr. FROST. Mr. Speaker, I rise this morning to mark the passing of a great and unique American, my friend Al Casey. Al died at his home in Dallas Saturday at the age of 84.

Few people have led more productive and significant lives. Al Casey was chairman and CEO of American Airlines when the company made the decision to move its corporate headquarters from New York to north Texas in 1979. That single decision did more for the economy of the Dallas/Fort Worth area than anything that has happened in the last 25 years. Today American Airlines is the largest single employer in the DFW metroplex. The ripple effects of its move will continue to be felt for many years.

Al Casey was more than just a successful CEO of a major U.S. company. He served our country's president and chief executive of the Resolution Trust Corporation from 1991 to 1993. This was the entity charged with cleaning up the savings and loan mess in the southwestern part of our country. He served as Postmaster General of the United States in 1988 and was Distinguished Executive in Residence at the Cox School of Business at SMU.

Al Casey was my friend. Even though he was a committed Republican, he always had a kind and encouraging word for me whenever we saw each other at the many public functions he attended in Dallas. He was the most optimistic and genuine person I knew and made everyone feel better when they were in his presence.

Though we came from different religious traditions, I do not think Al would mind if I used a Yiddish word to describe him. Al Casey was a mensch. We will all miss him.

PRESCRIPTION DRUG REIMPORTATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Illinois (Mr. EMANUEL) is recognized during morning hour debates for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today the House of Representatives will vote for a third time this session in overwhelming bipartisan manner to allow Americans to import drugs from Canada and Europe where prices for those

prescription drugs are 30 to 70 percent cheaper than they are on the American shelves at our pharmacies and grocery stores.

Members of this body on both sides of the aisle last year voted against the pharmaceutical industry's intense lobbying where they spent well over $200-some-odd million, they hired well over 600 lobbyists to try to prevent the American consumers and senior citizens from accessing drugs and prescription drugs and medications that their doctors prescribed at prices that they can afford.

People from all over the world come to the United States for their medical care. Yet, Americans are forced to go all over the world for their medications. That is wrong. We can do better.

Prices here in the United States are artificially kept high because of a closed market. What this would allow, the legislation allowing reimportation, would allow Americans to have an open market, a free market when it comes to the pricing of prescription drugs.

Every other product, cars, autos, software, food, we have free access, and Americans pay some of the lowest prices in the world. There is only one product line Americans have a closed market to and we are forced to pay the highest prices in the world and that is in the area of prescription drugs.

In Canada, in Europe, the same medications that we find on our shelves here are, as I said, 30 to 70 percent cheaper. Americans know that. 2 million seniors a year go over the Canadian-U.S. border to get their prescription drugs with their prescriptions that their doctors have asked them to take. Rather than cut pills in half, rather than skip a month, rather than skip a day, rather than allow only their spouse to get medications and preventing themselves from getting medications, those seniors go over to Canada, save hundreds upon hundreds of dollars a month in their prescription drugs.

What this legislation would do is allow the free market to work, creating competition, bringing prices down, and ensuring the American consumer, American seniors and, most importantly, now that we have a prescription drug bill to Medicare, the American taxpayer that they would get their fair price and world price for world-class drugs.

What is ironic here is that the American taxpayer pays for the research for these new life saving medications both through the direct funding of the National Institute of Health and through the R&D tax credit. The American taxpayer is subsidizing the pharmaceutical industry's research and development in new life-saving drugs. And yet what do we get for all that taxpayer support for the industry? We get to pay the highest prices in the world. That is the unique position of the American senior citizen and taxpayer.

The reimportation of prescription drugs would allow our seniors, our families who need medications for their children and for their parents, would allow them those medications at the prices that consumers in Europe and Canada are paying which is 30 to 70 percent cheaper.

It is the right thing to do not only because we pay for the R&D, but it is the right thing to do if you believe in the free market. We should allow the free market to work, creating that competition, bringing prices down. As I said, literally 2 million seniors a year do it every year. They have been doing it for years going to Canada, finding somewhere close to a little over a $1 billion worth of savings.

We are voting on it for the third time here in the House. Hopefully in the other body they will now begin to take up this legislation and start to create that bipartisan focus on bringing the prices of prescription drugs down.

I set up in my office a Web site, just so my colleagues know, we took Costco which is a discount retailer, we have a Costco in Chicago. We listed the 10 most used drugs by senior citizens and the price at that Costco in Chicago of those 10 medications. Then we took the Costco in Toronto, same store, same medications, same discounts. In Canada one would save, versus the United States, for those same medications close to $1,000 if one bought at the Costco in Canada versus the Costco in Chicago. That is a discount retailer. And people know that. And we must afford our seniors the ability to get the medications they need at the prices they can afford.

Everybody lately has been touting this Health and Human Services discount card, the Medicare discount card. In fact, in Canada one would save more than one would on that discount card. In our 70 percent of that discount card, the fact is that the reimportation would allow one cheaper savings than it does on that discount card. If the discount card was designed for senior citizens, it would not be as complicated. It was not designed for senior citizens, it was designed for the pharmaceutical industries that invested close to $200 million in that legislation.

PRESCRIPTION DRUG REIMPORTATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last year Republicans here in the House approved the prescription drug bill that did more to help the pharmaceutical companies than senior citizens. The pharmaceutical companies can continue to charge outrageous prices because Republicans refuse to give the Secretary of Health and Human Services the ability to negotiate better prices for seniors in the government.

The pharmaceutical companies also benefit from the fact that Republicans also refuse to allow for the reimportation of prescription drugs from other countries. My colleagues probably heard of seniors taking bus trips across the border into Canada to purchase their prescription drugs. And that is because drugs in other counties, including Canada, cost 40 percent less than they do here.

This year alone experts at Boston University estimate that Americans would save $59.7 billion by paying Canadian prices for brand name drugs, and, yet, Republicans refuse to include a provision in their legislation that would provide seniors with this much needed assistance.

Why would Republicans pass a prescription drug bill that helps the pharmaceutical companies out more than the very seniors who have been waiting for help? What one of the reasons is that the Bush administration's main negotiator on the bill, then Medicare administrator Tom Scully, was actually looking for a job with the very pharmaceutical companies at the same time he was hammering out the final Medicare legislation.

Mr. Speaker, there is no better indication that Medicare administrator Tom Scully was working on behalf of the pharmaceutical companies than when he refused to provide critical information to one of my democratic colleagues on the actual cost of the Medicare bill. Last week the Bush administration announced that Tom Scully did, indeed, threaten to fire Richard Foster, a career civil servant, if Foster told Congress that the Republican prescription drug bill would actually cost more than they previously thought. Now, unfortunately, even though the administration has admitted that, Scully cannot be punished for withholding this information to Congress. He no longer works at Health and Human Services. Guess where he works? He now lobbies for the drug companies.

Now, Mr. Speaker, my democratic colleagues and I, we really feel very strongly that we have to continue to fight this new Medicare law and will work to provide seniors a meaningful benefit within the Medicare system. We still can have a good law. Today, thanks to the tenaciousness of the gentlewoman from Ohio (Ms. KAPTUR) we are going to vote on an appropriations bill amendment that allows for the safe reimportation of prescription drugs. The gentlewoman from Ohio (Ms. KAPTUR) offered the amendment in committee last week. Republicans tried to block it but they failed. And that is because it is the right thing to do.

Seniors need help now with lower drugs costs and the reimportation provisions that Democrats inserted into the agriculture appropriation bill. I think it is a good start.

Democrats have also filed a discharge petition on a bill that would finally allow the Secretary of Health and Human Services to negotiate for cheaper prices on behalf of the more than 40

million Medicare beneficiaries. The bill we want to bring to the floor ensures that the government will use the purchasing power of millions of seniors to negotiate lower drug costs just like we do for the veterans health care system. And this would lower prices by about 50 percent.

Now, Mr. Speaker, in order to truly help seniors with the prescription drug bills, we have to do something about the outrageous and skyrocketing costs. That is the key. Republicans and the pharmaceutical companies shamefully refuse to address the cost issue. As I have stated before, Democrats will continue to work on behalf of America's seniors and continue to fight to pass legislation that finally addresses the high cost of prescription drugs.

AD GROWTH INDUSTRY

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Washington (Mr. MCDERMOTT) is recognized during morning hour debates for 4 minutes.

Mr. MCDERMOTT. Mr. Speaker, the President keeps telling America that his administration is good for the economy. I have to admit under this administration one sector is booming. In fact, booming may not be a strong enough descriptor. Stellar, bottomless, and gusher could easily describe the runaway growth in the need and use of political campaign commercials by the administration's campaign.

They are awash in cold, hard cash, and they are spending it as fast as they can get it in. They are spending more on airing a 30-second commercial than the network spends on making a 30-minute hit show. Talk about a growth industry.

The networks have brought us reality TV, but this administration has brought us fiction TV. After 30 seconds one would swear the moon is made of Swiss cheese and the U.S. economy is too good to be true. Remember what our mothers taught us, if it is too good to be true, it is not true.

Every time a new spot runs extolling the virtues of the administration, keep these numbers handy because the administration will not be talking about them: Since the President took office the stock market is down. Yes, down. Forget the slight-of-mouth they are attempting, look the numbers up. The Dow Jones industrial average is lower than when the President came in. 4 years later they have negative growth in the stock market. Is that the kind of economy America wants?

If one is saving for their retirement, they have just experienced 4 years of net loss. If one is living on a fixed income, their nest egg has 4 years of constant financial assault. If one is a tech buff, the same is true about the NASDAQ, 4 years later it is significantly lower than when he came in. Is that the kind of economy that is good for America? Four years later the money is worth less, lots less.

So the administration uses special effects in its commercials to make it seem like Americans are better off. The smoke and mirrors might cloud the truth, but the smoke is only good for 30 seconds and then reality takes over.

If the administration wants to take credit, and they say they do, then they have to take credit for the U.S. stock markets that are lower than when they came in. The stock markets tell the story about the U.S. economy under the stewardship of this administration.

This can be summed up this way: The privileged few became the beneficiaries of the administration's use of our tax money. Do not let their commercials trick my colleagues into thinking anything else. Millionaires got a cool extra $100,000 from this administration's tax cuts. Go look at your own 1040 and do the math. What did you get? The average is about $700. The administration gave the rich about $10,000 per month and the rest of America got 60 bucks a month. That is a lot of zeros. That is a lot of smoke and mirrors to cover that up.

Now the administration claims we never look at what has been going on. So let us be fair. When the President took office, the Nation's unemployment rate was 4.2 percent. Today's unemployment rate is 30 percent higher than it was when the President took office. That is the record. But one will not find it in any commercial that this administration is showing.

Millions of Americans are without jobs. I cannot call that economic growth. I call it a real life crisis for people when they cannot find a job and the administration is unwilling to help. Unemployment is 30 percent higher today than when the President took office. This administration has 2 million jobs less than when they took office. That record is only surpassed by the great Herbert Hoover in the Great Depression.

Now, there is a commercial for you. The administration would need a lot of extra smoke to cover that up. The administration's economic policies have their closest comparison with the Great Depression. These are the facts. One might say this is reality TV just in case all those fictional accounts of the U.S. economy under the administration have one confused.

With the amount of smoke the American administration is using, it is no wonder the level of pollution across America is higher than ever. America is choking from pollution caused by their fictional TV adds. They have got 112 more days and it is over.

SUDAN GENOCIDE

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized during morning hour debates for 2 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, we should be troubled by a number of concerns that are getting sometimes less attention than I think they should. First let me say I am so very proud to acknowledge two Members in the other body that will be addressing the Payne-Wolf resolution to declare the acts in Sudan genocide. With 400,000 people displaced, women and children and men being murdered, villages being burned, the world watches.

I am reminded of the millions who died in Rwanda. And we cannot stand idly by. It is imperative that the people of Sudan rise up in opposition to their government that continues to allow the murder and pillage against those innocent individuals.

I look forward to working with the United States Congress in ensuring that Sudan, the government in Khartoum, understands that we mean business and will not stand by while this tragic, murderous brutality occurs.

Then, Mr. Speaker, I would ask the American people to look closely at this question of the CIA intelligence breakdown before the war in Iraq. Because I believe every life is precious. And I believe our Constitution ensures that we in America pride ourselves in supporting peace over war and that we understand the importance of teaching and giving truth to the American people.

And so this breakdown in intelligence, which caused or at least gave to the Congress the basis upon which that resolution was passed, many of us knew it was wrong and voted against it, we should not allow that perspective to go off silently into the night. It is important for the American people to ask the question why and to get the right answers.

Because it is important when we take our young soldiers, our family members into war, they go into battle on truth and on a Constitutional purpose and that Congress votes for war in a Constitutional manner.

Mr. Speaker, I believe this country has the opportunity to rise to its highest moral values and that means that it does believe that freedom is not free and that we all will rise to defend our Nation and that we recognize the tragedy of 9/11, that we will not use falsehoods, however, in order to engage in a war that could have been solved by U.N. inspectors, could have been solved by coalition.

So I ask my colleagues to help support the resolution that we offered in the Senate and the one in the House on Sudan. I ask my colleagues to ask the questions of why our intelligence failed, that it never fail again that we send out Americans into war for falsehoods as opposed to truth.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 33 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Dr. Joseph W. Collins, Pastor, Mount Carmel United Methodist Church, Winston-Salem, North Carolina, offered the following prayer:

Almighty God, this Congress of the United States represents the diversity of our land from the Potomac to the Pacific, from the Great Lakes to the Rio Grande, from the Everglades to Mt. McKinley, from the Rocky Mountains to the Appalachian hills; yet we are one Nation.

Almighty God, this Congress represents the diversity of our people from Native American to each new immigrant, from those in poverty to those living in prosperity, from the newborn child to those in their 90s. We are one Nation.

One Nation with a common heritage, a heritage consecrated at Yorktown, fought and died for on Gettysburg's fields, washed in blood on the beaches of Normandy.

Almighty God, shower upon this Congress Your wisdom and guidance. Amidst our diversity help us to remember that we are one. We share a common heritage, the right to life and liberty. Help this Congress to govern fairly and effectively. May they seek to do that which is worthy of Your blessing. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. ETHERIDGE) come forward and lead the House in the Pledge of Allegiance.

Mr. ETHERIDGE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

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

H. Con. Res. 410. Concurrent Resolution recognizing the 25th anniversary of the adoption of the Constitution of the Republic of the Marshall Islands and recognizing the Marshall Islands as a staunch ally of the United States, committed to principles of democracy and freedom for the Pacific region and throughout the world.

WELCOMING DR. JOSEPH W. COLLINS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the guest chaplain for today is Dr. Joe Collins; and as the Speaker pointed out earlier, Joe is presently the senior minister at the Mt. Carmel Methodist Church in Winston-Salem, North Carolina, which is in the gentleman from North Carolina's (Mr. BURR) district. But Dr. Collins served for 8 years at the Central United Methodist Church in Denton, North Carolina, which is located in the district that I am pleased to represent.

Dr. Collins is a graduate of the Duke Divinity School and was awarded his Doctor of Minister degree from Drew University in New Jersey. Joe and his wife, Lynne, are parents of three children, and his son Garrett accompanies him today.

Mr. Speaker, we are indeed pleased to cordially welcome Dr. Collins to the people's House.

REPUBLICAN ATTACKS ON SENATOR JOHN EDWARDS ARE WRONG

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to defend the honor of my State's senior Senator. Last night on this floor, Republican Members attacked Senator JOHN EDWARDS over his career as an attorney for ordinary people who have been wronged. The critics could not be more wrong.

Growing up in the small town of Robbins, JOHN EDWARDS learned the values of hard work and standing up for the little guy. He used those values in his profession as an outstanding legal mind to fight for folks who would turn to him as their last chance for justice.

In North Carolina, we know well that JOHN EDWARDS earned a reputation as the people's lawyer. The Raleigh News and Observer called him ''an avenging angel.'' The Charlotte Observer called him a ''powerful advocate for average North Carolinians. And the Wilmington Morning Star said, ''By background and occupation, Mr. EDWARDS seems inclined to take up for people who work hard and struggle against long odds.'' Others described him as a ''soft-spoken David who has done battle with the Goliaths'' on behalf of the little guy.

Mr. Speaker, the Republicans are wrong to attack JOHN EDWARDS. He has earned an outstanding record for leadership and service for the people of North Carolina. He will make a great Vice President.

TRUE CONSERVATIVES SUPPORT THE FEDERAL MARRIAGE AMENDMENT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, full-page ads across official Washington say it all: ''True conservatives oppose the Federal Marriage Amendment.''

Oh, really? As one of a handful of Members of Congress with a 100 percent rating from the American Conservative Union, I think I can legitimately claim that title, and I profoundly disagree with the assertion in the ads.

In fact, true conservatives believe in conserving, protecting, and defending the foundational institutions of our society and of Western Civilization. True conservatives believe, as I do, that marriage was ordained by God, established by law, that it is the glue of the American family and the safest harbor to raise children. And true conservatives also know that the only effective response to judicial activism at the State and Federal level is a constitutional amendment that defines marriage as the union between a man and a woman.

Do not believe what one reads, Mr. Speaker. True conservatives support the Federal Marriage Amendment.

CONGRATULATING HOUSTON, TEXAS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want to announce that I believe JOHN EDWARDS will be an excellent Vice President, and certainly I hope that those of us who adhere to the Constitution will do what is right and not amend it.

But I rise today to congratulate Houston, Texas, because this evening we will be the host of the All-Star Game. I want to congratulate Drayton McLane, and I want to congratulate the Astros because we are a team that loves America's pastime; and, frankly, I believe it will be an exciting evening and afternoon of events, and we will get the chance to see great outstanding Americans play America's most favorite pastime.

We know these are difficult times, but I think it is just appropriate to celebrate a city that is welcoming all those who are coming to enjoy a wonderful evening and see all the great All Stars from all over the Nation.

And I also want to congratulate Drayton McLane and the Astros for their great charitable contributions to our community: the Urban Initiatives program of Major League Baseball that encourages inner-city youth to play

baseball, the new baseball field at Yellowstone Park; and, of course, our Little League's Mr. Dwight Raiford, who is in our town. Congratulations to Mr. Drayton McLane and the Houston Astros for hosting the All-Star Game.

AMISH SHOW SHOULD BE SCRAPPED

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, UPN is making a new reality TV show about the Amish. The very act of making this show violates a fundamental Amish religious tenet, and paying a few Amish teams to participate requires them to break it.

See, the Amish believe that television or photographs themselves violate the Ten Commandments' ban on graven images. If one is selling a show based on its participants' religious identity, should they not at least respect the religious tenets of those participants and their families?

One affiliate in Pennsylvania, UPNTV15 in Harrisburg, has decided not to air the program until it previews its content. UPN15 has taken a principled and courageous stand. Its request to prescreen the show will help them ensure that the show's content does not offend its viewers. Other affiliates should follow suit, and advertisers should think twice before attaching their names to a show that potentially degrades a minority religious community.

This series would be offensive, exploitative, and inaccurately portray a minority group. It should be cancelled.

WE ARE NOT SAFER BECAUSE OF WAR WITH IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the world and Iraq are better off without that murderous despot Saddam Hussein in power. But the unanimous report of the Republican-led Senate Intelligence Committee refutes the Bush administration's principal premise of the war that Saddam Hussein had weapons of mass destruction. They concluded he did not, that he presented a danger. They said the sanctions were working and his military was degraded and rapidly disintegrating. No links to 9/11; yet the President said seven times in 32 minutes the American people were safer because of the war in Iraq.

He can say it, but it does not make it so. Osama bin Laden is still out there plotting and planning. We are on heightened alert. They say he is going to attack anytime soon, but he has given a bye for the last 2 years by the Bush administration because of their obsession with Iraq instead of those who attacked us on 9/11.

We are not safer because of the war in Iraq. We are in fact more at risk because Saddam Hussein was not the real threat. It was Osama bin Laden, who has had the chance to regroup, strengthen his forces, and plan new attacks because the Bush administration has not been adequately pursuing it.

MEDIA BIAS, PUTIN'S COMMON SENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, leave it to the former head of the KGB to inject a little common sense into the American political race, and leave it to the partisan American media to ignore it.

During the recent G–8 Summit in Georgia, Russian President Vladimir Putin said to a gathering news media: "I am deeply convinced that President Bush's political adversaries have no moral right to attack him over Iraq." I did not find this quote in the New York Times or The Washington Post because they refused to report it. I did not find it broadcast on CBS, NBC, or ABC News either. I found this quote in China Daily, straight from Beijing.

We could have found the same quote in some Russian publications as well, including Pravda and the British-based Reuters News Service. But we could not find that quote in the American media except for one outlet, CBN.

It is a sorry day for American journalism when they find themselves outbalanced by their counterparts in Communist China and Russia. It is a new low for partisan media bias.

In conclusion, may God bless our troops, and we will never forget September 11.

NEGATIVE ADS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, to quote Ronald Reagan, "There they go again." Republicans have hit a new low point. The Bush campaign has run over 49,000 negative ads nationwide, and it is understandable. With the largest budget deficit in our history, a growing tax burden on our middle class, gas prices at a 23-year high, and no positive vision for our country, the GOP have no choice but to attack. They cannot talk about the economy because we have lost 1.8 million private-sector jobs under this administration. They cannot talk about health care because insurance costs are spiraling out of control and nearly 4 million more Americans have become uninsured since 2000.

So now what do they do? They blame President Clinton for the creation of 21 million private-sector jobs during his administration. They blame JOHN KERRY and JOHN EDWARDS for wanting to fight for a stronger and more positive America. But never will they accept the responsibility for egregious policies that they have passed. They are doing everything possible to create a diversion and shift attention somewhere else.

Democrats are fighting for the middle-class values of fairness and responsibility. Republicans are still pushing the same old negative attack ads.

WEAPONS OF MASS DESTRUCTION IN IRAQ

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Mr. Speaker, for months now, critics of the war in Iraq have asked the question: Where are the weapons of mass destruction? Recently former Vice President Al Gore said that none have been found in Iraq. Just as he was wrong when he said he was the inventor of the Internet, he is wrong on this point as well.

Recently, Charles Duelfer, the head of the Iraq Survey Group, reported the finding of 12 mustard and sarin gas shells in various locations in Iraq. Intelligence sources say that these are still extremely dangerous shells.

Mr. Duelfer also reported that terrorists in Iraq are trying to tap into the Iraqi WMD intellectual capital. They are keenly interested in developing chemical weapons in there and also in Afghanistan.

So where are the weapons of mass destruction? Where they have always been, in the Iraqi area, within the reach of terrorists, a threat to U.S. troops, the region, and the world community as well.

SAVE OUR NATURAL RESOURCES

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, I would suggest to the last speaker the weapons of mass destruction are in the minds of the administration.

If anyone needs a reason to send this administration packing, here it is: the President has announced the biggest land grab in U.S. history. The beneficiaries are the big timber companies. The victims are our national forests and the American people.

The President has proposed new rules that would declare open season for big timber companies to log 58 million acres of our most precious wilderness areas and our most precious national forests. Roads to nowhere will scar the land forever. It will turn old growth into board feet, two by fours.

Unless we act, this administration will repeal the last protection of our wilderness areas.

□ 1015

Our only hope is for a new administration that can prevent this environmental disaster from happening.

We have 112 days before we get rid of the biggest national disaster we have ever had, the President and his environmental policies.

PRESERVING MARRIAGE BETWEEN A MAN AND A WOMAN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Mr. Speaker, this week the Senate is dealing with a very important issue, one that goes to the heart of our families and society. I am speaking of marriage.

In my home State of South Carolina, we are one of 42 States that have laws on the books defining marriage as the union between a man and a woman. These laws were passed by State legislatures, those elected to represent the views of their constituents.

My constituents contact me on a daily basis about this one issue more than any other issue we deal with. They ask me to do everything I can to ensure marriage between a man and a woman is preserved. Yet some in this country, elected by no one, believe they have the right to supersede the wishes of my constituents and the constituents of other Members here today.

I respectfully disagree. I truly believe the only way to ensure court action does not override State law is for the House and Senate to take action.

Mr. Speaker, I urge the House to follow the Senate's lead on this issue and bring up this issue for a vote so we can have an open debate in the People's House.

HOUSE REPUBLICANS REFUSE TO PLAY BY THE RULES

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Mr. Speaker, nothing is more important in a democracy than free and fair elections. Unfortunately, even in this, the People's House, there have been a series of abuses of the voting process by the Republican majority. How can we effectively champion democracy around the world if even here the Republican majority will not allow it to be practiced on the House floor?

Just last week, because the Republican majority did not like the outcome of our usual 15-minute vote, they held the vote open for 30 minutes. Why? In order to change the outcome. We went from a fair and square 219 vote victory to a 210–210 tie due to Republican arm-twisting, while the whole world was watching on CSPAN.

If this were the only instance of Republican tyranny in this House, perhaps it could be excused. But just last year we sadly witnessed the longest vote in American history, just so they could change the outcome.

Mr. Speaker, the Republicans need to play by the rules.

RELEASE KERRY-EDWARDS PRESIDENTIAL CAMPAIGN VIDEO

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I am a conservative and I support the Federal marriage amendment. I understand that JOHN KERRY will make a cameo appearance this week in Washington to vote against it.

With that said, I rise to call attention and request a videotape release of the Democratic Presidential fundraiser that was held last Friday night, which quickly descended into a celebrity Bush-bashing event of low blows.

On Friday night, JOHN KERRY touted his Presidential campaign's positive tone, telling a crowd at another fundraiser that JOHN and he did not run one negative ad against each other and any of their opponents all through their primaries, and they have not done a single negative ad against the president, because ''we think Americans want real solutions to real problems.''

This is more proof that JOHN KERRY and his campaign have developed campaign amnesia. Just a few hours prior to those comments, his campaign fundraiser attendees listened to hours of celebrities use vulgar and tasteless attacks against our President, which KERRY endorsed, characterizing it as the heart and soul of America.

His campaign endorsed the hate-filled celebrity event, so he should share those comments with voters. I ask that they release the video today. There is no reason why they should not do it, and America deserves to see the real JOHN KERRY and JOHN EDWARDS.

LETTING AVERAGE AMERICANS PREVAIL

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, time after time in this body, the interests of the middle-class have come in second to the interests of the special interests. One example is the issue of drug reimportation.

Medications in other counties cost 40 percent less than they do here. Even Secretary Tommy Thompson recently acknowledged what Americans know all too well, reimporting prescription drugs from Canada and other industrialized countries is one of the fastest ways Americans can get lower cost drugs. Experts at Boston University estimate Americans would save $60 billion by paying Canadian prices for brand-name drugs. What are we waiting for?

Republicans in Congress continue to stall, promoting the false promise of the new prescription drug discount cards as a substitute for reimportation. When the gentlewoman from Ohio (Ms. KAPTUR) offered an amendment in the agricultural appropriation bill in committee that allowed for the safe reimportation of prescription drugs, Republicans tried to block it and failed. Today, that bill is on the floor. It would allow Americans to purchase these prescription drugs from other countries and lower drug costs in a straightforward way.

We should pass that amendment. I dare the Republicans to block it, as I know they will, because they are the servants of the pharmaceutical companies, and they are even trying to put that into the treaty with Australia.

AN ADMISSION FROM WITHIN

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, some of us have been saying it for years, there is a liberal bias in the media. Last weekend, we witnessed a brief moment of candor. Evan Thomas, the assistant managing editor of Newsweek Magazine, admitted on a radio station that, ''The media, I think, wants KERRY to win. And I think they are going to portray KERRY and EDWARDS, I am talking about the establishment media, not Fox, but there is going to be this glow about this that is going to be worth maybe 15 points.''

Let me repeat the words of this top Newsweek editor. ''The media, I think, wants KERRY to win, and they are going to portray KERRY and EDWARDS in a certain way to help elect them.'' He says, ''The media bias is worth 15 points in the polls.'' In other words, without media bias, President Bush would be cruising to a landslide election.

Mr. Speaker, the biased media is getting dangerously close to becoming a real threat to our democracy.

A ''STRONG'' ECONOMY?

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in some puzzlement. The President came to my part of our State last week and announced, ''The economy is strong here in North Carolina.'' As the Raleigh News & Observer observed, ''Is the President an optimist, or does he need an optometrist?''

Perhaps our economy seems strong to Mr. Bush. After all, he raked in over $2 million at his afternoon fundraiser. But he did not seem to notice that we have record numbers of laid-off workers who have exhausted their unemployment benefits, 68,000 at last count. Our unemployment rate in the Raleigh-Durham area is creeping up again. The rolls grew by almost 2,000 last month.

We have had even heavier losses in manufacturing Statewide, where 158,000 such jobs have disappeared since the President took office.

President Bush's declaration of our so-called ''strong'' economy is simply out of touch. He is peddling the idea is that his tax cuts for the wealthiest 1 percent have worked miracles. But North Carolinians know a sluggish recovery when they see one.

Declaring our economy strong does not make it so, and it does not put food on the table either. The News & Observer noted that the President did not take questions from local reporters. Is it any wonder why?

SENIORS AND DISABLED DESERVE BETTER PRESCRIPTION DRUG COVERAGE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise today on behalf of millions of American seniors who deserve lower prescription drug prices. And when I say lower drug prices, I mean real discounts and real drug coverage, not meaningless discount cards.

Congress has before it legislation that requires the Federal Government to negotiate real discount prices on prescription medicine for seniors. The VA, the Veterans Administration, already uses a system like this and obtains prices significantly lower than current plans, sometimes as much as 50 percent lower. But this bill, which would make such a difference, has not been allowed to come to the floor.

The same forces withholding this floor vote are the forces lauding the current Medicare law, the new law that does nothing to actually lower the cost of prescription medicines, that prohibits Medicare from using the bargaining power of Americans, 40 million seniors, to negotiate lower prices.

Our current Medicare law tells seniors to buy drug discount cards which do not give discounts for all drugs at all pharmacies. Seniors and the disabled deserve better than this. Let us do what is right on their behalf.

PROTECT AMERICAN SENIORS, NOT DRUG COMPANIES

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, last year the Bush administration forced through a sham prescription drug bill that does absolutely nothing to lower drug costs, prohibits the government from negotiating with drug companies and blocks the reimportation of drugs from other countries. Under this bill, 20,000 seniors in Nevada will actually pay more for their prescription drugs than they need.

A recent study reported that the prices of the top 30 brand-name drugs used by seniors rose by four times the rate of inflation in 2003. For years, seniors throughout the United States have been struggling with the dramatically increasing costs of their medications, while seniors in Canada can purchase the exact same drugs for 40 percent less.

Seniors need help now, and we need new leaders in the White House who will fight for all Americans' interests. Protect our seniors and not the drug companies.

MAKING IN ORDER AT ANY TIME AMENDMENT PRINTED IN HOUSE REPORT 108–591 DURING FURTHER CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, 2005

Mr. HYDE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4766, pursuant to House Resolution 710, the amendment printed in House Report 108–591 be permitted to be offered at any time.

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

There was no objection.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to go to conference on H.R. 4613, and that I may include tabular material on the same.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4613, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4613) making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. JACKSON of Illinois moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 4613, be instructed to insist on the maximum level within the scope of conference to respond to the humanitarian crisis in the Darfur region of Sudan and in Chad.

The SPEAKER pro tempore. Under rule XXII, the proponent of the motion and a Member of the opposing party each will control 30 minutes.

The gentleman from Illinois (Mr. JACKSON) is recognized for 30 minutes.

GENERAL LEAVE

Mr. JACKSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on my motion to instruct conferees on H.R. 4613.

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

There was no objection.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recognize the tireless work of the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, who has just returned from Sudan. Without the gentleman from Virginia's tireless efforts in this area, we simply would not be where we are today.

I want to thank the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, the gentleman from Arizona (Mr. KOLBE), and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their work on this issue.

I want to thank the chairman of the Subcommittee on Defense of the Committee on Appropriations, the gentleman from California (Chairman LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), and the chairman of the Committee on Appropriations, the gentleman from Florida (Chairman YOUNG), and the ranking member, the gentleman from Wisconsin (Mr. OBEY) for all of their efforts and continued support.

Mr. Speaker, I offer this motion to instruct the defense appropriations conferees to provide the highest possible funding level in the supplemental title of their conference report to help alleviate the incredible humanitarian crisis that is unfolding over the last year in the Darfur region of Sudan and in eastern Chad.

Currently, the House version of the defense appropriations bill contains $95 million for humanitarian relief in Sudan, $25 million for refugees, and $70 million for disaster assistance.

In 1994, this country, along with rest of the world, stood and watched as 800,000 men, women, and children were slaughtered in Rwanda.

□ 1030

Two months ago, the world community marked the 10-year anniversary of a modern-day genocide in Rwanda and said, Never again.

In Sudan, by conservative estimates, at least 10,000 people, perhaps as many as 30,000, have been killed in the last year in Darfur, in the western region of Sudan. More than 1 million black Sudanese have been forced from their homes by government-backed militias, and as many as 200,000 Sudanese reside in makeshift refugee camps in Chad. The lack of food and water and the current rainy season will surely wreak havoc on the lives of these people.

The U.S. Agency for International Development, USAID Administrator Natsios has said that even if relief efforts were accelerated, more than 300,000 forced from their homes would die of starvation and disease. But the Sudanese government and their militias keep blocking aid. If foreign governments hesitate, Natsios said the death rates could be dramatically higher, approaching 1 million people. That assumes that the conferees, when they meet, if they increase the levels, nearly 300,000 people are likely to die. Surely these facts merit the highest possible funding levels in the supplemental title of the defense conference report.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the 30 minutes of time that this side controls is 30 minutes that I do not intend to expend, largely because we had a thorough discussion of this matter within the committee. As the gentleman has indicated, it has very broadly based bipartisan support.

The gentleman from Virginia (Mr. WOLF) was the point person on this issue. The only reason it is being considered as we go forward with the Defense Subcommittee report is because we want to move on this very quickly, and it would appear that this bill will go through, work its way through conference reasonably quickly, and on the President's desk before the break. It is very appropriate that the House be responding effectively regarding this matter; and, frankly, it is very important that we stand together as Americans reflecting our concern about this tragic reality in Sudan.

Mr. Speaker, I appreciate the cooperation of the gentleman from Illinois (Mr. JACKSON).

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

Mr. JACKSON of Illinois. Mr. Speaker, I am now privileged to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and commend him for his leadership on this very important subject.

The situation in the Sudan challenges the conscience of the world, certainly of our country; and I am happy that this Congress is responding. I am pleased that the gentleman from California (Mr. LEWIS) is not in opposition to this motion to instruct the conferees to support the highest level of funding to respond to the crisis in the Darfur region of Sudan. Again, I thank the gentleman from Illinois (Mr. JACKSON) for offering the motion. I also want to acknowledge the leadership of the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for his leadership in including $95 million in funding for the humanitarian crisis in the Sudan in this bill.

Mr. Speaker, the situation in Darfur is truly an emergency; it is a crisis. Without immediate and effective international intervention, hundreds of thousands of people will die. That is for sure. It is so sad.

The Sudanese government has mobilized militias to carry out a scorched-earth policy of indiscriminate attacks on African civilians. As many as 30,000 civilians may have already been murdered, and more than 1 million driven off their land into unprotected camps in the Sudan and neighboring Chad.

Both USAID and the United Nations have described these atrocities as ''ethnic cleansing,'' and the Committee on Conscience of our own Holocaust Museum has issued a genocide warning for Darfur. Ethnic cleansing, genocide. We must act.

A genocide in the making demands the immediate attention of our government.

I call upon the Bush administration to keep the pressure on the Sudanese government. Sudanese officials must know that the United States and the international community will not tolerate the continuation of the humanitarian tragedy in Darfur.

Both the House and Senate Defense Appropriations bills contain $95 million for emergency humanitarian relief in Darfur. As critical as these funds are, however, they can only help those whose lives are in danger if the Sudanese government cooperates.

The Sudanese government must fulfill its promises to restrain the militias it controls and to remove the bureaucratic barriers that make delivery of relief supplies so difficult. That includes facilitating visas for providers to enter the country. The evidence to date does not suggest that the Sudanese are serious about helping to end the misery in Darfur.

The recent visits of Secretary Powell and U.N. Secretary General Annan to Darfur were helpful in focusing attention on this crisis, and I commend both of them for the priority they have given to the Sudan, but much more needs to be done if we are to avert a catastrophe.

We spoke so much about the situation in Rwanda and we did not act soon enough, and it was horrible. If we ever had the opportunity again, we would certainly rise to the occasion. Well, it is happening again; and we must rise to the occasion. The Sudanese government is not.

President Bush must not hesitate to impose sanctions as necessary to encourage a much higher degree of cooperation by the Sudanese government. Our response to the daily misery in Darfur must not be half-measured and delayed. We must act now while there is time to stop further slaughter, or our country will look back at lives lost in Darfur with the same regret and shame that we feel for other events in other parts of Africa, as I mentioned, Rwanda. My colleague, the gentleman from Illinois (Mr. JACKSON), pointed out that even if we acted now, still about 300,000 people will die. We can hopefully lower that number, but it certainly will be higher if we do not act.

How many times have we heard the public outcry, Why did we not stop the killings? This is a crisis. This is an emergency. We must act now to stop the slaughter of thousands of innocent people.

Mr. Speaker, I commend once again the gentleman from Illinois (Mr. JACKSON), our colleague; and the gentlewoman from Michigan (Ms. KILPATRICK), a member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, working with the gentleman from Illinois (Mr. JACKSON) to get additional funding in that bill, in addition to the $95 million.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Let me just say that I very, very much appreciate the gentleman raising this question this way. We need to absolutely act together as a reflection of the people's body regarding this tragic circumstance in the Sudan. The gentleman from Virginia (Mr. WOLF) unfortunately has been detained elsewhere or I would have him really leading this portion of the discussion.

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

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me once again thank the distinguished gentlewoman, the ranking member of the Subcommittee on Labor, Health, and Human Services of the Committee on Appropriations, and the minority leader, the gentlewoman from California (Ms. PELOSI), for her leadership on this issue in working closely with the gentleman from Illinois (Speaker HASTERT) to truly advance a bipartisan cause in this House.

Mr. Speaker, if genocide is the deliberate and the systematic destruction of a racial, political, or cultural group, then the deliberate killings of thousands of black Sudanese happening right now certainly qualifies. Sadly, the situation in Sudan is the worst humanitarian crisis in the world today, and the gentleman from Virginia

(Chairman WOLF) is to be congratulated for helping raise the consciousness of this Congress, this country, and indeed this world for immediate action.

Obviously, what is happening in Darfur is a genocide, and the U.S. Government must call it by that name. The term ''genocide'' not only captures the fundamental characteristics of the Khartoum government's intent and actions in western Sudan; it also invokes clear international obligations.

As parties to the Genocide Convention, all permanent members of the U.N. Security Council, including the United States and more than 130 countries worldwide, are bound to prevent, to stop, and to punish the perpetrators of genocide. Genocide is a unique crime against humanity in international law.

The legal definition of genocide, the international legal definition of the crime of genocide is found in articles 2 and 3 of the 1948 Convention on the Prevention and Punishment of Genocide. Article 2 describes 2 elements of the crime of genocide. The crime must include both elements to be called ''genocide.'' They are, one, the mental element, meaning the ''intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such''; and, secondly, the physical element, which includes five acts described in sections A, B, C, D, and E; (a), The killing of members of a group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and (e), forcefully transferring children of the group to another group.

When the gentleman from Virginia (Chairman WOLF) returned from Sudan most recently, he approached Members on the floor and he said, in light of this definition, there is a genocide taking place in the Sudan. There is a genocide in the making in Sudan, and we must stop it.

While some may argue that the situation in the Sudan does not rise to the level of genocide, we cannot be so pedantic or myopic or callous to allow legalistic disputes over definitions and terms to prevent us from acting now to prevent rape and slaughter and torture. Providing the highest possible funding level in this conference report is the first step we must take to stop the death and the destruction in Darfur.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the Subcommittee on Foreign Operations, Export Financing, and Related Programs of the Committee on Appropriations, who has been a tireless leader in this effort.

Ms. KILPATRICK. Mr. Speaker, I thank my colleague, the gentleman from Illinois (Mr. JACKSON), for his leadership on this issue.

As members of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, I first also want to thank our chairman, the gentleman from Arizona (Mr. KOLBE), as well as the gentleman from California (Chairman LEWIS) and the gentlewoman from New York (Mrs. LOWEY), for letting us work together on the problems of the world, or, if you will, the good things about the world. Our Subcommittee on Foreign Operations of the Committee on Appropriations handles much of that. I commend the gentleman from Illinois (Mr. JACKSON) for his leadership on this issue.

The Sudan is an oil-rich country in Africa where the Sudanese government, headquartered in Khartoum, I believe is in cahoots with the Janjaweed who are wreaking havoc on the geographic areas of Darfur in Sudan. As was mentioned by the gentleman from Illinois (Mr. JACKSON), the elements of genocide are prevalent. Those five things that are outlined that define genocide, when members of groups are being killed, and they are in Darfur; causes serious bodily harm and injury to any member of that group, and they are doing that as well; causes permanent impairment of mental faculties to the group through drugs, torture, and similar techniques; and they are doing that in that region of the Sudan; and it goes on and on.

I call upon the United Nations, which must act immediately. The Security Council today must meet and act immediately. Secretary Powell has gone and seen the tragedy. Our member, the gentleman from Virginia (Mr. WOLF), has gone to see the tragedy. Also, Kofi Annan, Secretary General of the United Nations. We can wait no longer. The Security Council must act. There needs to be an international force in the Sudan today. There is no need for the Janjaweed and the Sudanese government, who we help, by the way, who we also send money to, who we also have our NGOs, our nongovernmental organizations working in Sudan. Let us cut off the funds if they are not going to save the people; we should cut off the funds. These are U.S. tax dollars going into the Sudan; and at the same time, they are wreaking genocidal havoc where more than 1 million Sudanese will die if we do not do something over the next month.

So I call upon the United Nations, Kofi Annan, Secretary General, the Security Council, those 17 countries who make the decisions. And, yes, oil. No one says it, but there is oil, land-rich oil that is in that region of the world. Many international countries are there, like Canada, my neighbor from Michigan, like the EU. We call upon you, in spite of the oil investments, to save the lives of millions of people in Darfur who find themselves being afflicted by genocide in their own government.

I am a mother and I am a grandmother, and I believe that children are the basis for which we live. Raising your own children, it is one struggle and one thing that you have to do; but it is the grandchildren and generations beyond whom we must leave this great world for.

So again, I commend the gentleman from Illinois (Mr. JACKSON) for his leadership, as well as the gentleman from Arizona (Chairman KOLBE), the gentleman from California (Chairman LEWIS), and the gentlewoman from New York (Mrs. LOWEY.)

□ 1045

The Sudan must not go unanswered. America is the power of the world, and we can determine, America, Mr. President, the United Nations, Mr. Kofi Annan, that we must today stop the genocide. Call it what it is. Use the genocide term and those things that respond to it that the United Nations in an international way can do it. The U.S. could not do it alone, but the G–8 countries and the Security Council of the United Nations must stand up.

Genocide is a horrible thing to happen in our lifetime. Too many people died that we might have alive today to be leaders, to be parents, to be the free world and not speak up one more time.

So, Mr. Speaker and members of the subcommittees, time has passed for many children who are dying as we speak. We have the resources in our 2005 appropriation. We need the leadership today to stand up, to go to the Sudan, as Secretary Powell has already done, to go to the Sudan with the resources that they need. You see, they are having problems even getting food and supplies to the Darfur region where they need them today.

So, Mr. Annan, Mr. President, please rise up. The children are calling.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

By way of a bit of an exchange with the gentlewoman who just spoke but also with my friend, the gentleman from Illinois (Mr. JACKSON), is it not interesting we could have a crises like this, a crises like this that affects so many thousands and thousands of lives, men, women and children, a tragic circumstance, and, yet, ofttimes in this country the inane things that we see on the front pages of our newspapers, the New York Times, the Washington Post, et cetera, hardly a word about this crises. Is this not front-page material in this country if we truly have concern about the world? I would hope maybe as we go forward in this discussion today, we might send that message as well.

Ms. KILPATRICK. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Speaker, absolutely it is front page. Absolutely we have to get it on everyone's radar screen. It is just as important as anything else we might do in the world, because we are talking about human life, because we are talking about people dying hourly as we speak. We must.

And the news media, print, audio, video, all have a responsibility, and the international community, to speak up.

Mr. LEWIS of California. For those who suggest they care about the people of the world, this is more than symbolism. It is very, very real; and I would hope they would begin to pay some attention.

Mr. Speaker, I yield whatever time he may consume to the gentleman from Virginia (Mr. WOLF) who helped us focus initially in committee on this issue.

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me this time; and I thank his position, too. I want to thank the gentleman from Illinois (Mr. JACKSON) for offering this and all the comments that have been made.

Senator BROWNBACK and I were in the Sudan, Darfur, a week and a half ago, where we witnessed firsthand the destruction and immense suffering taking place at the hand of the Janjaweed militia and the government of Sudan.

I think members of the subcommittees have to know the United Nations Convention on the Prevention and Punishment of the Crime of Genocide describes genocide as acts committed with intent to destroy, in whole or in part, national, ethnic, racial or religious groups. Specifically, it cited killing members of the group. Thousands of black Africans have been killed. I heard a report yesterday from somebody on the scene that saw a mass grave, 14 black Africans face down, shot in the back of the head.

It also says, causing serious bodily or mental harm to members of the group. We heard stories of rape and branding. Some women were told that they were being raped because they were African. One woman told us personally that the Janjaweed told her that she was being raped ''to create a lighter-skinned baby.''

We were given a letter from a group of women who were raped. There were 40-some women. This is what the letter says. ''We are 44 raped women. As a result of that savagery, some of us are pregnant, some have aborted, some took out their wombs, and some are still receiving medical treatment. We list the names,'' and all the names of the women are on the letter, ''of the raped women and state that we have high hopes in you and the international community to stand by us, not to forsake us to this tyrannical, brutal and racist regime which wants to eliminate us racially, bearing in mind that 90 percent of our sisters at this camp are widows.''

Deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole, it is clear that the complete eradication of the Darfurian African population will occur if people do not return to their homes. We stood in burned-out villages. The Janjaweed have systematically ensured the villagers can no longer return. Bombing with bombers, Soviet helicopters, Janjaweed come in on camels and horses, kill the men, rape the women, brand the women, loot the village, put the loot on the helicopters, then torch the place and burn it up.

Darfur is a harsh climate, so when you push people out of the villages, they die; and when people are forced to live in crowded IDP camps, they continue to die.

I believe that after seeing with my own eyes, and Senator BROWNBACK with his own eyes, that there are indications that what is happening in Darfur meets the test of genocide. Now, people may not want to say that, but when you see it, no matter what we call it, genocide, ethnic cleansing, crimes against humanity, people are dying on a massive scale, which is unacceptable, what the gentleman from Illinois (Mr. JACKSON) said.

I think what matters now is action. The United Nations Security Council needs to take immediate steps to end this crisis. A large peacekeeping force made up of troops from the African union is needed to allow Darfurians to return to their homes and to verify that the government of Sudan is disarming the rebels. Without having a verification group in there, there is no way to know if what they say they are doing is really, really being done.

We must remember that the government of Sudan armed the rebels, so we need independent monitors to ensure that they are disarmed. We also need monitors, including forensic experts on the ground, to preserve the evidence for future war crime trials.

In any event, I thank the gentleman from California (Mr. LEWIS) for the time, and I, too, thank the gentleman from Illinois (Mr. JACKSON). And he has been out talking about this for a long time. Every day we delay and hesitate, more people die. We are told in the one IDP camp, Abu Shouk, nine people die every day. We left Abu Shouk several days ago, and by those estimates, if you count, in essence, nine people, so the clock runs in that one camp, and then there are many, many other camps. And Abu Shouk, where all these people died, is probably the best-run camp in that region.

So I think it is important to adopt this and also to put pressure, and I think the Bush administration has done a good job. I think John Danforth has to be very aggressive, though. Up at the U.N., some of our allies are not with us on the Security Council resolution, and I think the more pressure and the more the world faces this and addresses it, you will not be able to say when people write stories about this that we did not know, because we now know. We have seen it with our own eyes. We have talked to people that have seen it, and we now know.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me once again congratulate the gentleman from Virginia (Chairman WOLF) for his outstanding leadership on this question, including the authorizer, the gentleman from New Jersey (Mr. PAYNE), who has been steadfast in this effort.

The gentleman from Arizona (Mr. KOLBE) of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs this week will be leading a delegation to Darfur. I will participate in that delegation. I also want to congratulate him for his outstanding leadership for including and fighting for this money in the supplemental bill.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. WYNN) who serves on the Committee on Appropriations Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies with great distinction.

Mr. WYNN. Mr. Speaker, let me begin by thanking the gentleman from Illinois (Mr. JACKSON) for his leadership on this issue and allowing me to speak briefly this morning.

Let me also note particularly the role of my Washington area colleague, the gentleman from Virginia (Mr. WOLF) who just spoke, who has been an outstanding leader on the issue of human rights throughout his career but particularly on this issue of the crisis in Darfur. He recently visited, he came back and provided all of us with valuable information, along with Senator BROWNBACK, who accompanied him.

And what they said to us is that we have a grave humanitarian crisis in the Darfur. People are dying daily. 30,000 people have died. 350,000 will die. A million people have been displaced. This is an opportunity for the United States to play a pivotal role, which is why I strongly support the motion to instruct conferees to request the maximum amount of U.S. aid possible.

It is sometimes said, but certainly accurately, that America is great because America is good. This is an opportunity for America to do a great deal of good. These people are being victimized in what is clearly a case of genocide. They are being displaced, and we have an opportunity to provide humanitarian aid and to provide a leadership role and a model for the world.

Which brings me to a second point that I would like to make, which is to say that part of what we are trying to do in terms of foreign policy is to suggest to the world that we are not just militarily the most powerful country in the world but that we are morally the most powerful country in the world and a country that believes in leadership. And the way you demonstrate leadership is providing aid to those who need it. This situation in Darfur, clearly a case in which leadership is needed. We can provide that leadership. We can show the world that it is not just a matter of Iraq or our oil interests or other things. We care about humanity. This is the example that we need to set.

I thank the gentleman. I believe that there is a large consensus of support

for this approach for maximizing aid to Darfur, and I just hope we will move this matter as quickly as possible.

Finally, I would add we do need to go aggressively to the U.N. and say this is genocide, call for a declaration of genocide, call for the application of peacekeeping troops so that we can address the security concerns that are here.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he might consume to the gentleman from Arizona (Chairman KOLBE) of the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I certainly thank the gentleman from Illinois for bringing this matter to the attention of the body with this motion to instruct.

Both the House and the Senate bills have the same amount of $95 million, an additional amount beyond what is contained in the foreign operations bill for the humanitarian relief and the implementation of the peace settlement in Sudan. So the motion to instruct here today is simply a way for us to call attention to an enormous problem, and I thank the gentleman from Illinois for doing that.

There is no question that we have a great emergency that has been emerging over time over the last several months in Darfur. I think many of us had hoped that the kind of genocide that took place in Rwanda a few years ago, 10 years ago, was behind us and that we would not see that happen again, but here we are a decade later, and once again with impunity a government has allowed this kind of terrible tragedy to ensue and this kind of genocide to take place in western Sudan.

The world needs to understand this, the world needs to know about what is going on, and the world needs to speak out. Those of us who have that responsibility as lawmakers, as policymakers in the Congress, in the Executive Branch, in world bodies such as the United Nations, in capitals around the world, need to be speaking out about this issue, and this is an opportunity for us to do that.

As the gentleman from Illinois suggested, later this week we will be going to Sudan, to the Darfur region, in order to try to see firsthand the relief efforts that are taking place there. We will also see the efforts to try to stop the ongoing attacks against the people in Darfur by the renegade groups that continue to cause the great death and destruction of property, the loss of lives, the loss of communities, the increase in the misplaced people, and displaced people around the region. All of this can only stop if we provide the kind of assistance that is needed in that region and if the world calls on the Sudan government to provide protection for the people living in that region so that these kind of unwarranted attacks do not take place.

There has been just an enormous amount of brutality that has taken place over there, rapes, murders, killing, people that have lost their homes, lost their livelihoods, people that are starving to death. We in this world, in this Congress, need to take note of that; and we need to call an end to that.

□ 1100

So I am really pleased that the chairman of this committee has accepted the amendment which has the $95 million, which will be the first money that will be made available because this legislation is likely to be the first enacted into law.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Speaker, I asked for this time to simply express my deep appreciation to the chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, my chairman, for his leadership on this issue. The responsiveness of both the gentleman from Arizona (Mr. KOLBE) and the gentleman from Virginia (Mr. WOLF), as well as the gentleman from Illinois (Mr. JACKSON), is very important and the reflection of the reality that from just once in a while the House gets its act together and recognizes that human problems are very real.

There is no partisan divide on an issue like this, but rather a concern about the picture, the reality of starving children and whole families being wiped out senselessly. We are going to respond as a country, and it is very important that we come together like this. I appreciate the gentleman's leadership.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for his comments, and I want to say I appreciate his leadership in this by allowing the money to be added to the defense bill because I think it is of such vital importance. I think many of us are haunted by the fact that decades ago we stood aside when genocide took place in Cambodia. Before that, of course, we had the Holocaust in Europe. And just a decade ago we had the genocide in Rwanda, and now we are seeing this again in Darfur in Sudan. We are convinced and I think committed to making sure that we do everything in our power to make sure this genocide does not continue. And that is why we are here today with this resolution. And I am very grateful to the gentleman from Virginia (Mr. WOLF), who has already made his visit there and called the attention of the world to what is happening over there. We hope with our visit later this week that we will be able to do the same.

Once again, I want to thank the gentleman from Illinois (Mr. JACKSON) for bringing up this motion, and I do hope the House will consider it and adopt it.

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Let me take this time also to thank the subcommittee chairman for the Subcommittee on Foreign Operations of the Committee on Appropriations, the gentleman from Arizona (Mr. KOLBE), for his extraordinary leadership on this question. The gentleman knows that I have been critical of the committee in the past for its historic support of Africa and related issues; but the subcommittee, recognizing a very serious crisis under the chairman's leadership, has really stepped forward. The gentleman is taking a delegation, which I am anticipating this coming Thursday, to Darfur, Sudan. We wish him Godspeed, and we wish the delegation a safe trip. I thank the chairman for his leadership.

Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Speaker, I want to thank my colleague from Illinois (Mr. JACKSON) for not only yielding time to me this morning but also for his outstanding leadership that he has displayed on a number of issues that come before this Congress and certainly on this issue which we are addressing today. I want to also acknowledge and express my appreciation to the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. KOLBE) and the gentleman from Virginia (Mr. WOLF) for their outstanding leadership on this important matter.

Mr. Speaker, I rise for two reasons today. One, I rise in support of this motion to instruct the Defense appropriations to support the highest level of funding for the humanitarian crisis in the Sudan. Secondly, Mr. Speaker, I rise to talk this morning just for a moment on shame.

Mr. Speaker, what is going on in the Sudan right now is a tragedy. It is unconscionable, and it is a shame. Mr. Speaker, what we have today in genocide is a shame. It is a shame, Mr. Speaker, when we get on this floor and speak in the highest of our voices, cry out from this place about terrorism; and yet, Mr. Speaker, we cannot and do not commit or do not connect terrorism with genocide.

Mr. Speaker, terrorism is genocide and genocide is terrorism. It is a shame, Mr. Speaker, that nearly 30,000 Sudanese have lost their lives and more are dying on a day-to-day basis and there is no immediate action taken on our part. It is a shame.

Mr. Speaker, the international community cannot do this all by themselves. They need our help, the help of this Congress, the help of this administration, to stop these killings.

Mr. Speaker, 10 years ago this Congress sat idly by while hundreds of thousands of Rwandans were killed and slaughtered in Rwanda. That was a shame. Sadly, it seems that history is repeating itself. And if we sit by and allow the same kind of genocide to take place in the Sudan as took place in Rwanda, that would be a shame. I cannot, Mr. Speaker, in good conscience as a Member of this Congress

sit on the sidelines and not raise my voice and raise the voices of the people in my district to deal with and to discuss this tragedy. We have a moral obligation to come together, to send a message to Sudan and to the rest of the world that genocide and terrorism go hand in hand, that genocide is terrorism and that terrorism is genocide.

Mr. Speaker, we cannot allow the Sudanese killings, we cannot allow the blatant killing of innocent lives in the Sudan to continue. We must act now. We must act now. Mr. Speaker, to do anything less would be a shame, a disgrace, a shame, and a shame.

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

Mr. JACKSON of Illinois. Mr. Speaker, I yield myself such time as I may consume. We have no further speakers, and I am prepared to close.

Mr. Speaker, I want to recognize the tireless work of the chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriation, the gentleman from Virginia (Mr. WOLF), who has just returned from the Sudan. I wanted to thank the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Program, and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their outstanding work on this issue. I want to thank the gentleman from New Jersey (Mr. PAYNE), who has been a tireless fighter for justice in Sudan.

I want to thank the Subcommittee on Defense chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Pennsylvania (Mr. MURTHA); and I want to thank the Committee on Appropriations chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for all of their support and efforts.

Mr. Speaker, I ask for an ''aye'' vote on the motion to instruct.

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion to instruct.

By now we have all seen the pictures and heard the stories that flow daily out of Darfur and Chad. Innocent men brutally murdered. Women and girls raped and mutilated. Families put on forced marches away from their villages, left with no food or shelter.

We have heard the statistics. According to the World Health Organization, 10,000 people will die this month in Darfur if nothing is done. We are looking at the possibility of hundreds of thousands of deaths, from disease, starvation, violence and, ultimately from the inaction of the global community.

''Never Again'' is a phrase we have all heard before. We have all said it before. It is one of the most powerful expressions of the natural human inclination to stop suffering, to end the death and destruction that stems from senseless hatred and indifference to human life. Never again will we let 6 million Jews perish under the noses of the civilized world. Never again will we let Rwandans be rounded up and indiscriminately killed because of their tribal affiliation. Never again will we allow ethnic cleansing in the Balkans.

My colleagues, there is problem with the phrase ''never again.'' It is usually said after the violence is over—as a rallying cry against history repeating itself. We have seen, time and time again, that history does repeat itself, and it is simply not enough to say that we will take care of it next time. We need to end the genocide in Darfur now.

What will that take? It will take more than the tentative involvement of the United States and the international community. It will take the pressure we have not yet seen to get the Sudanese Government to stop denying a problem exists, acknowledge the role it has played, and take concrete actions to stop the brutality and save the lives of the people of Darfur. It will take more than 300 African Union peacekeepers to end the Janjaweed militia's genocide campaign.

The funding included in the Defense bill for relief in Darfur and Chad, combined with the money we will soon consider in the Foreign Operations bill, is a good start. But it is just a start. Money will help feed people if they can access that food. Money will help shelter people if they are not being driven out of the squatter camps. Money will help protect children from violence and exploitation only if relief workers can safely access refugee camps.

We should be proud of what we are doing today, but not too proud. If we are serious about ''never again,'' the United States must lead the way, using all bilateral and multilateral diplomatic tools at our disposal, to stop the Darfur genocide in its tracks.

I urge my colleagues to support this motion.

Mr. VAN HOLLEN. Mr. Speaker, 10 years ago, as bloated corpses floated down Rwanda's rivers, the international community debated whether the atrocities being committed in Rwanda fit the definition of ''genocide.'' By the time the world stopped debating, it was too late. Millions of men, women and children had been killed. The failure of the world to act in Rwanda remains a stain on our collective conscience.

We must learn from the tragic mistakes of the past. Today, 1,000 miles north of Rwanda, in the Darfur region of Sudan, more than 30,000 people have already been killed by the Sudanese military's aerial bombardments and the atrocities being committed by their ruthless proxies, the Jangaweed militia. Gang rapes, the branding of raped women, amputations, and summary killings are widespread. More than a million people have been driven from their homes as villages have been burned and crops destroyed. The Sudanese Government has deliberately blocked the delivery of food, medicine and other humanitarian assistance. More than 160,000 Darfurians have become refugees in neighboring Chad. Conditions are ripe for the spread of fatal diseases such as measles, cholera, dysentery, meningitis and malaria. The U.S. Agency for International Development estimates that 350,000 people are likely to die in the coming months and that the death toll could reach more than a million unless the violence stops and the Sudanese Government immediately grants international aid groups better access to Darfur.

Here in Washington and at the United Nations headquarters in New York, many officials are again debating whether this unfolding tragedy constitutes genocide, ethnic cleansing or something else. This time let us not debate until it is too late to stop this human catastrophe. Let us not wait until thousands more children are killed before we summon the will to stop this horror. America and the international community have a moral duty to act. The United States and the 130 other signatories to the Genocide Convention also have a legal obligation to ''undertake to prevent and punish'' the crime of genocide.

The Convention defines genocide as actions undertaken ''with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such.'' The actions include ''deliberately inflicting on members of the group conditions of life calculated to bring about its physical destruction in whole or in part.'' By all accounts, including the reports of U.N. fact finders, it is the African peoples in the Darfur region who have been targeted for destruction by the Khartoum-backed Arab death squads.

In the middle of an unfolding crisis like that in Darfur, there will always be debate over whether what is happening constitutes genocide. But it is important to remember that the Genocide Convention does not require absolute proof of genocidal intentions before the international community is empowered to intervene. The Convention would offer no protection to innocent victims if we had to wait until there were tens of thousands more corpses before we act. A key part of the Genocide Convention is prevention, not just punishment after the fact.

The United States has already done more than any other nation to call attention to and respond to this tragedy. But our efforts to date have not brought an end to the growing crisis. We must take additional measures now.

The May 25 Security Council statement expressing ''grave concern'' about the situation in Darfur does not provide any authority for international action. The United States should immediately call for an emergency meeting of the U.N. Security Council and introduce and call for a vote on a resolution that demands that the Government of Sudan take the following steps: First, allow international relief groups and human rights groups free and secure access to the Darfur region, including access to the camps where thousands are huddled in wretched conditions; second, the Government of Sudan must immediately terminate its support for the Janjaweed and dispatch its forces to disarm them; third, the Sudanese Government must allow the more than one million displaced persons to return home. The resolution must include stiff sanctions if the Sudanese Government refuses to meet these conditions and it must authorize the deployment of peacekeeping forces to Darfur to protect civilians and individuals from CARE and other humanitarian organizations seeking to provide humanitarian assistance.

It is critical that U.N. Secretary General Kofi Annan exhibit strong leadership on Darfur. Mukesh Kapila, until recently the top U.N. official in Sudan has been outspoken in sounding the alarm. But Kofi—I was pleased to join with Congressman WOLF and other members of Congress on June 4 in urging Secretary General Annan to go to Sudan to address the crisis there. I am encouraged that he will finally be going next week. However, this visit must be more than an expression of concern. Secretary General Annan must make it clear that if the Sudanese Government does not cooperate fully in stopping the killings and destruction, he will push for immediate international

sanctions. He must let the Sudanese Government know that the welcome progress made in reaching an accommodation with the South will not prevent the world from taking action to stop the horror in Darfur. The U.N. ignored warnings of mass murder a decade ago in Rwanda; it must not stand by again.

We should not allow other members of the U.N. Security Council to engage in endless negotiations and delay a vote on the resolution. In this case, every day that goes by without action means more lives lost. Let's vote on the resolution. If the rest of the world refuses to authorize collective action, shame on them. Failure to pass such a resolution would not represent a failure of American leadership; it would be a terrible blot on the world's conscience.

Whether or not the United Nations acts, the United States should take steps on its own. We should make it clear that if the Sudanese Government does not meet the demands in the proposed resolution, the United States will impose travel restrictions on Sudanese officials and move to freeze their assets. Even apart from U.N. action, we can immediately urge other nations to join us in taking these and other measures.

I commend Secretary of State Colin Powell for his decision to travel to Sudan next week and visit the Darfur region. It is critical that the Secretary's visit do more than simply call attention to the tragedy unfolding there. He must make it clear that the failure of Khartoum to fully cooperate in ending the destruction and killings will result in a concerted American effort to punish the Sudanese Government and harness international support to intervene in Darfur.

We must not look back on Darfur 10 years from now and decry the fact that the world failed to act to stop the crime of genocide. Rwanda and other genocides should have taught us that those who knowingly fail to confront such evil are themselves complicit through inaction. We are all God's children. These are crimes against humanity. Let us respond to this unfolding human disaster with the urgency that it demands.

Mr. JACKSON of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois (Mr. JACKSON).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, YOUNG of Florida, HOBSON, BONILLA, NETHERCUTT, CUNNINGHAM, FRELINGHUYSEN, TIAHRT, WICKER, MURTHA, DICKS, SABO, VISCLOSKY, MORAN of Virginia, and OBEY.

There was no objection.

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 4766, and that I may include tabular material on the same.

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

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

□ 1110

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, July 12, 2004, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in House Report 108–591 may be offered only by a Member designated in the report and, pursuant to the order of the House of today, may be offered anytime in the reading of the bill, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place of the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4766

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,185,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

AMENDMENT OFFERED BY MR. HYDE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HYDE:

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

SEC. 759. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting ''Doug Bereuter and'' before ''John Ogonowski''; and

(2) in the heading, by inserting ''**DOUG BEREUTER AND**'' before ''**JOHN OGONOWSKI**''.

MODIFICATION TO AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the amendment made in order by the rule be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. HYDE:

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

SEC. 759. Section 501 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737) is amended—

(1) in subsection (b)(1), by inserting ''and Doug Bereuter'' after ''John Ogonowski''; and

(2) in the heading, by inserting ''**AND DOUG BEREUTER AND**'' after ''**JOHN OGONOWSKI**''.

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Illinois (Mr. HYDE) and the gentlewoman from Ohio (Ms. KAPTUR) each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

Mr. Chairman, I rise in support of the amendment to the Agricultural Trade Development and Assistance Act of 1954.

Mr. Chairman, this is to honor our retiring colleague, the gentleman from Nebraska (Mr. BEREUTER), by adding his name to the formal title to the Farmer-to-Farmer title. The gentleman's tireless efforts to implement the John Ogonowski Farmer-to-Farmer Program have been a driving force in making this a successful program. As the gentleman from Nebraska (Mr. BEREUTER) retires from Congress after 26 years of service, and 21 years on the Committee on International Relations, I ask that we express our admiration in

a bipartisan manner by recognizing his strong support for this outstanding program.

Bob Lagormarsino and Jerry Solomon and I accompanied the gentleman on the memorable trip to El Salvador and Guatemala in the 1980s which inspired his work in this crucial area. He saw the positive impact that a small group of farmers from his home State of Nebraska had on the local Salvadoran farmers and wanted to find a way to expand this limited program into a much larger project.

Upon returning to the United States, the gentleman from Nebraska (Mr. BEREUTER) sought a way to ensure this program could reach a broader population in need. He led the effort to fund the Farmer-to-Farmer Aid Program, which was a small part of the Foreign Assistance Act. His efforts came to fruition in the 1985 farm bill, in which Congress allocated funds from the Food For Peace program towards the Farmer-to-Farmer program.

The gentleman's faith in the power of American volunteerism led to the implementation of this very successful program which promotes sustainable development by helping the most impoverished people in foreign countries learn how to help themselves. The goal of the Farmer-to-Farmer program is to ''enhance the potential for increases in food processing, production and marketing, which in turn stimulates private enterprise and democratic institutions.''

□ 1115

This program has directly benefited approximately 1 million farmer families and provided hands-on training to over 80,000 people in over 80 countries.

Through the Farmer-to-Farmer program, U.S. leadership is demonstrated throughout the world by ordinary Americans who volunteer their time and share their talents and technical expertise.

I hope that my colleagues will join me in supporting this amendment to recognize our distinguished colleague DOUG BEREUTER's significant contribution to American foreign policy by adding his name to the title of this most important program.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman from Illinois (Chairman HYDE) for the time.

Mr. Chairman, I rise in support of this amendment to honor our colleague, the gentleman from Nebraska (Mr. BEREUTER).

When the Founding Fathers envisioned a new Nation based on self-government, they wrote many rules into our Constitution. Many things were formally laid out, but many assumptions were left unsaid. One of the assumptions were that among the representatives chosen would be people who were consensus and coalition builders, people whose highest allegiance was not to the political party but to country. It is on the backs of such leaders that self-government depends.

DOUG BEREUTER is an embodiment of the kind of leader our Founding Fathers assumed that would move our country forward.

I have worked with the gentleman from Nebraska (Mr. BEREUTER), as I called him as a staff member and as a Member, for 21 years. I call him a friend, but I admire him more.

Forty years ago, Republican Senator Arthur Vandenberg joined with Democratic President Harry Truman to start the Marshall Plan. Many Members of Congress objected to a spending program overseas, but Senator Vandenberg said, ''Partnership should end at the water's edge.''

In his service on the Committee on International Relations and the Permanent Select Committee on Intelligence, no Member of Congress embraced that ideal more than DOUG BEREUTER.

I worked closely with him on food assistance programs for North Korean children. Despite a formal state of war between our two countries, DOUG BEREUTER was our leader, championing a humanitarian vision where, as Ronald Reagan said, ''A hungry child knows no politics.''

DOUG pioneered leadership for the P.L. 480 program and for the Farmer-to-Farmer programs. These programs fed the hungry and represented the highest ideals of the American people.

We honor DOUG BEREUTER today. I want to also mention his work with the intelligence community to boost foreign language instruction by the U.S. government. No action will boost the long-term defenses of the U.S. more than the Bereuter foreign language initiative.

We wish the gentleman from Nebraska (Mr. BEREUTER) well as the new head of the Asia Foundation and urge the adoption of the amendment as a way to honor a real American and someone totally committed to the humanitarian vision of the United States overseas.

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

Mr. Chairman, we would like to rise in support of the Hyde amendment renaming the Farmer-to-Farmer program so that that program includes the name of our dear colleague, the gentleman from Nebraska (Mr. BEREUTER), and I want to thank the chairman for offering this important amendment to our bill this year.

We rise to accept the amendment and again thank and compliment the gentleman from Illinois (Chairman HYDE) for his cooperation in not only championing this amendment but working to be sure that Mr. BEREUTER's contributions are recognized, along with those of John Ogonowski, the pilot of American Airlines flight 11 that tragically crashed into the World Trade Tower on 9/11, for whom the program was named 3 years ago. Mr. Ogonowski had worked so diligently with farmers and others in Massachusetts, and so to have his name and Mr. BEREUTER's name associated in perpetuity on this program I think really elevates it to a level that more fully expresses the real goodness of our country. We share the appreciation of the work that the gentleman from Nebraska (Mr. BEREUTER) has done to support and expand the Farmer-to-Farmer program.

I know that the best way to combat terrorism and misunderstanding is to have programs like Farmer-to-Farmer that link our producers to those of other nations, forming lifelong friendships and understandings. If we look at so many of the societies in which we currently are confronting difficulty, whether it is Pakistan or Afghanistan, other -stan countries that had been part of the former Soviet Union, whether we talk about Africa and the starving people of so many of those nations, this Farmer-to-Farmer program is extraordinarily important. It puts the best face of America forward.

So in taking this time today, again, I want to compliment the gentleman from Illinois (Mr. HYDE). Let me also thank the gentleman from Nebraska (Mr. BEREUTER) for his enormous contributions to agriculture while a Member of this House but also the future work he will be doing with the Asia Foundation. The needs of the Pacific and the islands of the Pacific and so many of the issues that he will confront in that new capacity will be enlightened by the accomplishment he demonstrated here.

We are very pleased to support this amendment and thank the gentleman from Illinois (Chairman HYDE) for his leadership on this, along with so many other issues important to our Nation.

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

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I rise in support of this amendment, too. I can think of no better person for whom this program should be named.

I have known DOUG BEREUTER for many, many years, really starting back when he first began his service in the Congress, and I know of him really as a very great and special person, a man who has always put principle above popularity, and that is a very rare characteristic among very few people.

I had the good fortune of traveling with DOUG recently on a NATO/British-American parliamentary group meeting, and I was struck then, as I have been struck so many times, in listening to him speak, about the incredible knowledge and wisdom that he has through the years that he has spent on the Committee on International Relations and the fact that in every single instance he, too, put principle first, and his wisdom is something that we will sorely miss in this Congress.

I want to congratulate him on his new endeavors but also tell him that he has set a very high standard for a Member of Congress, and I hope that we can all aspire to reach the same level that he has.

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

Mrs. EMERSON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding and also rise in strong support of this amendment.

I want to thank the gentleman from Illinois (Chairman HYDE) for offering it, and I want to congratulate the gentleman from Nebraska (Mr. BEREUTER) for 26 years of service to the Congress and for his leadership on this program.

I think it is very, very appropriate that we change the name of the program to add his distinguished name for hereafter, and I urge my colleagues to support this amendment.

Ms. KAPTUR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this; and I, too, rise in support of the amendment. I think it exemplifies the type of leadership we have had on our committee. I appreciate the chairman of the Committee on International Relations bringing it forward.

DOUG BEREUTER, I mentioned earlier on the floor during a special order this morning, what a difference he has made for me and all who serve with him. This identifies DOUG as being a legislator, with his fingerprints on a wide variety of legislation.

I am pleased that we have had items brought forward that enshrine his name on legislation and on programs. I hope that we will be mindful of the many other contributions that he has made that few know about unless they had the pleasure of serving with him and watching him in action. I think it is a testimony to his insight, his patience and his hard work that he has been able to inspire this confidence on both sides of the aisle.

I am pleased that we have this as an additional expression of our support as he moves forward into a new career.

Ms. KAPTUR. Mr. Chairman, we strongly support this amendment, and I yield back our remaining time.

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

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Illinois (Mr. HYDE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $10,810,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,526,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,246,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $508,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $15,608,000.

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 for information technology, systems, and services, $120,957,000, 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.

AMENDMENT OFFERED BY MR. BONILLA

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

The Clerk read as follows:

Amendment offered by Mr. BONILLA:

In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(decreased by $120,957,000)''.

In title I, under the heading ''FARM SERVICE AGENCY, SALARIES AND EXPENSES'', insert after the dollar amount the following ''(increased by $52,873,606)''.

In title II, under the heading ''NATURAL RESOURCES CONSERVATION SERVICE, CONSERVATION OPERATIONS'', insert after the first dollar amount the following: ''increased by $40,458,661''.

In title III, under the heading ''RURAL DEVELOPMENT, SALARIES AND EXPENSES'', insert after the first dollar amount the following: increased by $27,624,733''.

Mr. BONILLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BONILLA. Mr. Chairman, my amendment is a simple amendment that would transfer money from the Common Computing Environment, an amount that totals $120,957,000, and would put that into a lot of services that are very vital to communities, especially rural communities out in the heartland.

It would put $52,873,606 into the Farm Service Agency salaries and expenses. It would also put $40,458,661 into the Natural Resources Conservation Service and $27,624,733 into Rural Development salaries and expenses.

Now, to explain a little further, this amendment would provide funds to a lot of county-based agencies that deliver critical farm programs, economic development in rural areas and the delivery of conservation technical assistance.

The Farm Service Agency delivers farm credit programs to all farmers and ranchers across America.

The Natural Resources Conservation Service delivers conservation technical assistance to producers all across the country.

The Rural Development is very critical to many Members who have these smaller towns and communities in their congressional areas, providing economic opportunity and housing opportunities to Americans from border to border and from coast to coast.

This is a good amendment, and again, it gets money in the people's hands that truly need it out there. At this time, I would encourage all Members to support this amendment.

Ms. KAPTUR. Mr. Chairman, I rise in reluctant opposition to the amendment offered by our good chairman.

This essentially is an effort to transfer funds from the Executive Office of the Secretary and the Common Computing Environment to different funds inside of the U.S. Department of Agriculture in operational agencies. I think it is important to point out to the membership, first of all, this is a lot of money, and it is well over $100 million.

This current fiscal year we are spending about $118 million on the Common Computing Environment. Over the years we have increased these accounts, and this year, in fact, within the budget itself there is $2,372,000 in appropriated funds being proposed over last year.

The Chairman's amendment would take those dollars and farm them out to the Farm Service Agency, the NRCS, the Natural Resources Conservation Service, and Rural Development as line items I guess in those accounts, although it is a little unclear to me how we would track this.

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But the point is, this is an account that has been rising within the executive office of the Secretary herself. I think it is important for us to keep a clear eye on how these funds are being expended.

In addition to that, there are several amendments that Members are offering today that have been cleared and filed in proper time that would take their funds from this particular account. And so the net effect of adoption of this amendment would be to force the Members who wish to offer amendments to find alternative offsets, and also to kind of lose the focus that we currently have on common computing environment in a separate account in the Secretary's office by diverting it to these many places in the agency.

So I assume that the gentleman is doing this for good reasons. But the point is I think we would have a lessening of clarity on where these funds are actually being expended by the

agencies. In past years, we have had trouble with this account in really following how the administrations are spending these dollars. As we thought they were doing a little better job, we gave them additional funds.

But I really do not see the burning need for this amendment right now. There are increases in this account; and, therefore, I think in view of the negative effect it will also have on other amendments being offered here today, I would rise in opposition to the amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the last word, and I rise in support of this amendment.

Anyone who deals on the local level with the NRCS understands how the staffing shortages, the need for more funds at the local level are so absolutely critical to be able to handle the programs that are so important to farmers today. This is where the rubber meets the road. This is where people who actually do the work are in contact with the farmers themselves, who do all the work out in the fields. This is extremely important that we do have those funds available to make sure that we are adequately staffed.

Also, when we look at rural development, economic development, it is a critical issue for us to make sure that we have the resources available out in the country to be able to help small businesses, to be able to help our rural communities grow and prosper. So I think this amendment is very, very important; and I certainly rise in support.

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

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

Mr. BEREUTER. Mr. Chairman, I wanted to comment briefly at least on the previous amendment offered by the distinguished gentleman from Illinois (Mr. HYDE). I was unaware it was up at this time. I am very grateful to the chairman, Mr. HYDE, to the gentleman from Texas (Mr. BONILLA), and to the ranking minority member, the gentlewoman from Ohio (Ms. KAPTUR). I happened to see the gentlewoman from Missouri commenting with my name, and that is the only reason that I noticed what was being considered on the floor.

In any case, I thank them and apparently other Members, for their kind comments. Mr. Chairman, just a word of history because it involves the gentleman from Illinois (Mr. HYDE). I was on a four-member CODEL to El Salvador and Guatemala with the former distinguished Member from California Mr. Lagormarsino, the gentleman from New York, the late Jerry Solomon, and the distinguished gentleman from Illinois (Mr. HYDE).

War-torn El Salvador at the time was in the middle of a land reform program. Unfortunately; it was not working, and one element that was a part of the program was called the ''Land For the Tiller Program.'' I came back convinced that if I could take 40 farmers from my district in to the area during the middle of the winter for about 6 weeks and they could turn around some of those efforts and make them successful, because there was for example, very little knowledge of poultry or swine husbandry.

To my surprise, the Farmer-to-Farmer program had been authorized some years earlier, but never funded. So with a long effort, working with Peter McPherson, the former administrator of USAID, I convinced them, finally, that they did not have to pay volunteers, and the program could be started. So with a relatively small amount of money, initially just one-tenth of 1 percent of the CCC program, those volunteers' transportation was paid; they had a sponsoring organization in the foreign country that either made it successful or less than successful, depending on the local effort.

Mr. Chairman, I was recently over at USAID about a month ago, and they have just sent their 10,000th volunteer on the Farmer-to-Farmer program. These are active or retired farmers—and I am also including the farm wife, because in many cases she is the person that goes overseas. These volunteers also are people who are at our land grant institutions as professors or retired professors. They have worked now on every continent.

Then, when the Soviet Union disintegrated, the Reagan administration sent a Cabinet team to Russia, to see if assistance could be offered to Russia and the other CIS countries. They discovered the Farmer-to-Farmer program, and it was accelerated dramatically.

So we have had many Americans who have now gone on volunteer missions in four different continents. They have come through my office from time to time, and for them, in many cases, they told me it was the best experience of their lifetime. America is a wealthy country, but the area where we have our greatest riches probably is in talented people who are willing to volunteer their time.

So I thank the gentleman from Illinois (Mr. HYDE) for his amendment and trace the reason for it back to our visit there. It was also the time when I first became interested in something called FINCA, which was a microenterprise experiment in the Andean countries. And I later brought them to the Hill so the other Members could be exposed to it.

But many people, Mr. Gilman, Mr. SMITH of New Jersey, and also Members of the Committee on Appropriations also know about the microenterprise program; and they have been very good to it. Mr. Chairman, the Farmer-to-Farmer is a program that I think will be quite successful in the years to come because it relies on American volunteerism.

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

Mr. Chairman, I rise in opposition to the current amendment before us. I commend the gentleman from Texas for trying to take all of the money from Common Computer Environment, but what he is doing is he is taking and stripping the amount of money, and we are talking about $120 some million, and distributing it into three accounts.

Mr. Chairman, this precludes an amendment that I would have been able to have brought up today that deals with civil rights. Civil rights is important to a lot of us as we look at what is going on in our country. We have an opportunity to put in additional funding for the Hispanic-serving institutes, we have opportunities for monies to go for tribal expansion grants, and then we have an opportunity to provide money for socially disadvantaged farmers and ranchers. The Bonilla amendment would preclude the ability for me or others to submit their amendments to a bill that is very much needed in terms of providing service.

When we look at civil rights, we look at Martin Luther King, who fought for many individuals in terms of the civil rights movement and opportunities for people, minorities and disadvantaged, to file their complaints. We have numerous complaints throughout the Nation.

Within the Hispanic community, we currently have 16 percent of the total population of the United States, including Puerto Rico with 16 percent, which makes up about 42 million people; yet we would be denying them an opportunity when it comes to civil rights, especially as we look at Hispanic-serving institutes right now where we have approximately 350 colleges and universities and continue to grow in the enrollment of colleges and universities of individuals who want to get into the universities.

When we look at the National Congress of American Indians supporting the legislation, there are 250 tribal governments that are saying, look, we want an equal opportunity in terms of justice, equality, and civil rights. We have an opportunity to make sure that rural communities and others obtain the kind of funding necessary and that there is someone to serve them when there are complaints. There are more and more people filing civil rights complaints.

If we take this money totally out, we would not be able to provide the kind of services that are needed. And while I do appreciate the support of the chairman 2 years ago, when he did support legislation that did approve additional funding, as we look at the growth and expansion of the population, we need additional funding. Currently, Hispanic-serving colleges and universities are underfunded by about 75 percent. We are continuing to grow. We need the funding there, Mr. Chairman.

I hope the gentleman from Texas will reconsider and allow the additional amendments, at least some of these dollars, in a bipartisan way. Allowing

other individuals to submit their amendments would say we truly represent the American Dream. Allowing us to put in an amendment would put service back to our constituents, back to people who very much need it.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words in favor of the amendment.

This is a very good amendment. I am surprised anybody would come to the floor and be against this amendment. This is an amendment that provides the money to take care of the farmers and ranchers and people that do the hard work. This is the amendment that people have been clamoring for for a long time, more money on the ground for the up-front office workers that do the work, that work with the farmers, that provide the service to people, that help them fill out their forms and do the work that needs to be done.

We hear year in and year out from our farmers that we do not have enough staff, there are not enough people there, there are long lines, the forms cannot get filled out, we do not have enough people to advise us. I cannot think of any reason to be against this amendment.

These are the service workers that help our farmers and ranchers to do the work required by us and required by the USDA to fill all the forms that need to be filled out, to make sure all the reports are done. We require a lot of paperwork, USDA requires a lot of paperwork; and our farmers and ranchers deserve to have the kind of professional staff that this amendment provides for.

So I say to those people who represent farmers and ranchers all around the country, if you want your farmers and ranchers to have the expert professional people to help them do the things, to do the work, to fill out the forms that need to be done, you ought to be supporting this amendment.

Every year our farmers come to us and say, there just is not enough staffing. We need more people. In some instances, we have allowed for part-time people to come in. We have allowed for temporary people to come in. This, though, is the kind of opportunity that provides the money.

I compliment the chairman, and I would surely hope that the ranking member would reconsider her position on this, given the fact that reallocating of money to help the people that are out there doing the hard work of growing the fruits and vegetables, and doing the hard work providing the food and fiber for our country are going to have the professional staff.

So I compliment the chairman for doing this, and I say to all Members who may be listening to this debate on this amendment, this is leadership on the part of the chairman of this subcommittee to say to our farmers and ranchers, the money is going to be there for the professional staff to do all the things that need to be done that we require in Congress and USDA requires, and that we hear year in and year out from our farmers, particularly from the producers out in the area, certainly in Illinois and the 20 counties I represent, I hear from them every year that we do not have enough staff in our offices to do the things you are requiring us to do.

So great leadership on the part of the chairman here to reallocate the money that needs to be used so that we can hire the people and they can help our farmers and ranchers. I ask all Members who hear from their farmers and ranchers each year to support this amendment. It is a good amendment, and I appreciate the leadership of the chairman.

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

The CHAIRMAN. Is there objection to the gentlewoman from Ohio striking the requisite number of words for a second time?

Mr. BONILLA. Mr. Chairman, I reserve the right to object, and ask for a clarification as to the nature of why the gentlewoman needs this unanimous consent?

The CHAIRMAN. A Member can only strike the last word once on a given paragraph.

Does the gentleman continue to object.

Mr. BONILLA. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

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Ms. KAPTUR. Mr. Chairman, I did want to respond to the gentleman from Illinois (Mr. LAHOOD), a respected member of our subcommittee, to say that one of our problems in this bill is that, because it is under what we spent last year, many accounts have been scraped. We have been trying to find dollars to do several things in the bill. The Common Computing Environment has a lot of money. This year we are proposing $120 million, an amount over last year. But there are other underfunded programs in the bill extraordinarily important to farmers.

For example, in the important area of bioenergy, the administration wants to cut the development of renewable fuels. We have a new title in the farm bill to create a new market in this country for fuels. One of the amendments that will be offered would take a few dollars out of this common computing account and just let that account be level with this year's expenditures which is $23 million. It's not a lot of money in terms of the full bill. But nonetheless to try to really help our farmers bring up a new industry, it amounts to real dollars. This is money not going to a government agency. It is going directly to farmers to bring up a new source of power in our Nation, new sources of power based in agriculture.

One of the other amendments, and other Members will speak to this, has to do with the civil rights portions of this bill which are underfunded. This account has over $120 million in it.

The third area in which we would hope to take a few dollars out of these accounts are the Farmers Market Promotion Program, a program that was authorized in the new farm bill but has zero dollars now. Farmers out there all around this country are trying to sell their product directly to consumers. We have had so many requests from Members to assist with Farmers' Market Development. We have been unable to meet those requests. For the first time, with this amendment, we would provide funds in a newly authorized program in the farm bill.

So, yes, we have to make choices; and we are trying to help all titles of the farm bill as best we can. These dollars, by being diverted to agencies that already have billions of dollars, well, I really would question our ability to monitor those expenditures. And, yes, farmers are going into these farm service agencies and they are not being served, but we have had these accounts plused up over $100 million for computers for years and years and years.

One of the points I would have, since we have this computing account in the Secretary's office, we can have better oversight so we can see whether or not they are putting these computers in the farm service agencies. But the truth is we do not have enough money in any account to do everything that needs to be done. I respect what the gentleman is saying, but we have to try to do more with less in every single one of the accounts that we are supposed to fund.

I would urge my colleagues to think about this vote because it harms other programs in the bill that are extraordinarily important and are serving our farmers directly. We still maintain hundreds, tens of thousands of dollars, millions of dollars in this account to help with the computing environment. I did want to respond to that.

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

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

Mr. LAHOOD. Mr. Chairman, as the ranking member, the gentlewoman knows our farmers and ranchers and the producers come to us every year with the common complaint, we don't have enough people in these local offices to help us. We have to set priorities.

Ms. KAPTUR. I would reclaim my time and say to the gentleman that the overall bill does not have enough money. We have to try to put dollars in all the accounts as best we can. I agree with the gentleman there is not enough money in the overall allocation, but that does not mean we have to rob all accounts just to serve one purpose. We have to use these dollars broadly and do the best we can with an inadequate allocation.

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

Mr. Chairman, I join the ranking member on the committee in opposition to the amendment basically because the gentleman from California (Mr. BACA), the gentleman from Michigan (Mr. KILDEE) and myself would not be allowed if the amendment passes to introduce our amendment which basically would do three things:

First of all, it would increase the civil rights enforcement moneys for the Office of the Secretary. The U.S. Department of Agriculture has clearly been called the last plantation. Because of that, Mr. Chairman, many of the discriminations for black farmers and other individuals coming out of USDA, we could address it with more money.

In addition to this, the 2501 program would be increased so that socially disadvantaged farmers could take advantage of USDA programs. If this amendment is passed, we would not be able to offer the increase in the program.

But, thirdly, Mr. Chairman, the tribal extension grants for Hispanic-serving institutions, we could not increase that money. I know that the chairman does not want to hurt those institutions, but this is an opportunity, if this amendment is allowed to be offered and somehow we can reach some agreement, that we could help those Hispanic-serving institutions, also.

Reluctantly I rise in opposition to the amendment, because another amendment that we think would be as important to a tremendous number of people could not be offered.

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

Mr. Chairman, I rise in support of the Bonilla amendment and believe that the chairman of the committee is moving in the right direction. The Common Computing Environment program I think does render very valuable technical assistance, but I understand the pressures that we are under to try to get money out on the local level to the farmers.

One of the things that has always disturbed me as a Member of Congress is when we allocate money for anything, military, education, health care, whatever, it is astounding the amount of the dollars that stay in Washington, D.C. As I drive around this beautiful city, I do not see too many farmers. I see a lot of monuments and some lakes and some parks, but I do not see many corn fields or cow pastures or hog pens. Yet if we support the Bonilla amendment, we are pushing the dollars out of town towards those agencies, the Farm Service Agency, the Natural Resources Conservation Service and the Rural Development Agency, towards the farmer, towards the local people.

It is interesting, as somebody who represents rural southeast Georgia with 29 different counties in it, as I go around visiting my farmers and those in the agriculture community and the agriculture family, they speak highly of these agencies and the work that they do. The rural development folks, they do all kinds of housing opportunities in my area and some other much-needed projects that we think are very important for economic development in the smaller towns. The Natural Resources Conservation Service is very important for erosion control and best cultivation practices and good technical assistance to the farmers. Of course, the Farm Service Agency delivers the farm credit program to farmers all over the country.

But what I like best about these folks is they are Federal Government, USDA employees, 100 percent on the USDA salary, but they answer 100 percent to the farmers back home in Bacon County and in Appling County and in Coffee County, the folks who I am trying to serve and represent in Washington. That is the same people that these agencies are serving.

As the gentleman from Illinois (Mr. LAHOOD) said earlier today, these are the people that our farmers ask for assistance from; and they really do not ask for more money in the USDA bureaucracy as much as getting it back home to rural Texas, rural Illinois, rural Iowa, rural Georgia and so forth.

I stand in strong support of the Bonilla amendment and hope that our colleagues give it a majority.

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

Mr. Chairman, I rise in support of the Common Computing Environment system. There are a lot of folks making a lot of great speeches today, and I agree with all of them. I agree with the gentleman from California (Mr. BACA). I agree with the gentleman from Mississippi (Mr. THOMPSON) and the concerns and the needs there. I agree with the gentleman from Illinois (Mr. LAHOOD) and his statement. I agreed with the chairman and what he is saying.

But what I am afraid of is that we are about to do something that is going to do more damage to all of our farmers and all of our needs and the efficiency of the delivery of these programs by once again using the Common Computer Environmental systems as a cash cow.

USDA began modernization and streamlining with the USDA Reauthorization Act of 1994 signed by the President, October 13, 1994. Since then we have made some progress. USDA field agencies still rely, though, on outdated information technology. Basically, what we were saying in 1994 to USDA, start cooperating and working together. Have FSA, NRCS and Rural Development start looking at one-stop shopping, start looking at putting their computer systems together, start doing those things that would allow them to operate efficiently and save money for our appropriators and get the job done better.

We have got a ways to go. But if we deny them the technology to do it, we will never get there.

I want to give the Members a little story about how using modern information technology can benefit not only producers in the delivery of programs and services but can save the taxpayers millions of dollars of waste in eliminating waste, fraud and abuse in the delivery of Federal assistance.

In 2000, the Committee on Agriculture included a provision in the crop insurance reform bill it was considering. The bill instructed the Secretary of Agriculture to develop and implement a coordinated plan for the Risk Management Agency and the Farm Service Agency to reconcile all relevant information received by RMA and FSA from a producer who obtains crop insurance. The agencies were to reconcile such producer-derived information on at least an annual basis to identify and address any discrepancies.

We encouraged the Secretary to use an outside entity that had expertise in information technologies known as data mining and data warehousing and other available information technologies to administer the program. It took over a year to implement the provisions, with USDA kicking and screaming all the way. In fact, only RMA ultimately entered into the agreement with Tarleton and Planning Systems Incorporated to apply data mining and data warehousing to its data in an attempt to detect fraudulent practices in the multiperil crop insurance program. FSA refused to share its producer data.

We talk about cutting waste, fraud and abuse from Federal programs all the time. In 4 short years and an approximately $20 million investment by this body, RMA estimates it has saved American taxpayers $250 million in claims not filed by detecting schemes to file bogus insurance claims losses. Technology can do the job if we allow it to do it. What more could we accomplish if we required all of USDA to use modern technology and by sharing information to ensure that the programs it administers and services it delivers is done in an effective and efficient manner?

If we are serious about eliminating waste, fraud and abuse from government programs, I suggest we fully fund USDA's Common Computing Environment.

I recognize and I saw all of the amendments that my colleagues were bringing today, each one of which is designed to get into this particular, they believe, cash cow, for doing some very good and important things. But I think we become considerably shortsighted if we do not recognize that if we are truly to deliver the services to our producers that the conservation, with technical assistance, if we are truly to do those things that we all want to do, the best place to start is by making sure that the USDA Reorganization Act of 1994 is fully implemented by demanding USDA do it, but at the same time not shortchange them on the technology they will need in order to do it. That is my concern today.

I guess basically I am rising in opposition to all of the amendments until someone can show me that taking money from the computers is a better investment. I would much rather continue to recognize we have a budget problem, not an appropriations problem. I recognize what the chairman is attempting to do with this amendment, but I believe it is not in the best long-term interest of USDA and the people we serve, the producers and consumers of America.

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

Mr. Chairman, I rise in opposition to the amendment. Numerous reports and commissions have documented the civil rights problems at USDA. For those who might not be aware of this history, let me give the Members a brief overview.

In 1965, the U.S. Commission on Civil Rights found discrimination in USDA program delivery and in USDA treatment of minority employees.

In 1970, a USDA employees focus group report concluded the agency was insensitive to the issues regarding equal opportunity and civil rights.

In 1982, the Civil Rights Commission found that USDA's Farmers Home Administration had failed to place adequate emphasis on dealing with the crisis facing black farmers and saw indications that the agency may be involved in the very kind of racial discrimination that it should be seeking to correct.

In 1990, the Committee on Government Operations of the United States House of Representatives found that Farmers Home Administration practices were one of the key causes of the drastic decline in black farmer ownership.

In 1997 and 1998, CRAT, a special team within the USDA, found systemic discrimination in employment and farm assistance programs.

□ 1200

In 1998 the Congress passed a measure which helped African American farmers pursue legal claims against the USDA. In 1999 a Federal court entered a consent decree which allowed many black farmers to recover damages for the years of discrimination they faced at the hands of the USDA.

Let me say to the Members, given this sad and sorry history, I must oppose this amendment on that note, to say that we need to have technical assistance, but we need to look at what we are doing. And just to say we are going to do something that really is not going to accomplish anything is not the way to go. So on that note I must oppose the amendment.

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

Mr. Chairman, I rise in reluctant opposition to the chairman's amendment and in support of the Common Computing Environment and the associated systems.

The gentleman from Texas (Mr. STENHOLM) cited many of the benefits of the Common Computing Environment not only to the Department of Agriculture but to the many farmers and ranchers that the Department of Agriculture seeks to serve.

I want to bring to the attention of the House another very important function of the Common Computing Environment efforts, and that is a new technology or at least a new application of a technology which has been with us for about 30 or 40 years, and that is satellite imaging in support of forest and farmland use.

There is a very important effort under way to categorize farmland and to image farmland all across the United States. It serves many important purposes. One of them is to help us figure out the categories of different farmland and the erosion of that farmland, and it helps farmers in the end by protecting their most basic asset, the land. It also helps our forests because it helps us assess forest health. It helps us assess the buildup of unwanted or unnecessary fuel stocks in our forests to avert forest fires, and it also helps assess infestations by insects and other pests so that we can better assess the health of our forest stock.

So I just want to point out that, as these amendments come up, ranging from the chairman's amendment, which makes a fairly substantial cut, to other amendments which make smaller cuts in the Common Computing Environment budget, I, for one, will have to choose very carefully between those amendments which serve very crucial public purposes such as eliminating decades' old discrimination by various Federal agencies and programs and other, perhaps less compelling, causes to cut into the Common Computing Environment budget.

And, again, I do want to point out that in addition to the many important purposes that the gentleman from Texas (Mr. STENHOLM) pointed out that we in Oregon, we who have a very thorough land use planning system, we depend on data in order to maintain our categories of farm and forest land, of urban reserve, of urban land and potential urban land, and there is nothing quite as important as having some of the satellite imagery which would also be unfortunately adversely affected by the chairman's amendment. So I do rise in reluctant opposition to the chairman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, 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, $5,811,000: *Provided*, That the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center: *Provided further*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress a report on the Department's contracting out policies, including agency budgets for contracting out.

WORKING CAPITAL FUND

For the acquisition of disaster recovery and continuity of operations technology of the National Finance Center's data, $12,850,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $803,000.

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order against the second provision under the heading ''Office of the Chief Financial Officer,'' beginning with the colon on page 3, line 25, throughout on page 4, line 6. This provision violates clause 2(b) of House rule XXI.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman may inquire.

Ms. KAPTUR. Mr. Chairman, did we not read past that provision?

The CHAIRMAN. That is correct.

Is there objection to returning to that point in the reading to entertain a point of order against the cited provision?

Ms. KAPTUR. Mr. Chairman, we raise objection to that.

The CHAIRMAN. Objection is heard.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

This is the second time this has happened. Right off the floor I was assured that this would come up after a vote on the gentlewoman from Ohio's (Ms. KAPTUR) amendment. I stood here seeking recognition as I came on to the floor as the Clerk was reading other sections. I was not recognized. This is the second time I have been let down by the Committee on Appropriations when they knew I had a point of order and tried to give me time periods.

In fact, I, in talking to the staff this morning, said maybe I should just stay on the floor. No. The last time this occurred, the minority was generous enough to allow us to go back and raise that provision. I would ask for the same courtesy here, or I will stand up today and object to every single unanimous consent.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman should be assured that there was absolutely no intent on the majority's part to interfere with the gentleman's issue that we expected him to raise today. So I just hope the gentleman understands that clearly, and the majority is not objecting to our returning to this portion of the bill. The objection was raised by the minority.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, I just want to say that I was off the floor. I walked on the floor, was seeking recognition. The Clerk continued to read as I got up here. I continued to request recognition.

Mr. Chairman, I ask unanimous consent that we be able to return to this section.

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

Mr. WU. Mr. Chairman, I reserve the right to object.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Oregon yield for the parliamentary inquiry?

Mr. WU. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentlewoman from Ohio may inquire.

Ms. KAPTUR. Mr. Chairman, could the Chair please explain what is occurring here? We raised objection to the gentleman, who was not on the floor when we read through his section, and we raised objection to that. Why is the gentleman being allowed to proceed?

Mr. TOM DAVIS of Virginia. Mr. Chairman, the gentlewoman is incorrect. It was my time. I was on the floor.

The CHAIRMAN. The gentleman from Oregon (Mr. WU) controls the time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I just asked in comity if she would allow me to make the point of order that we are entitled to do under the rules.

Mr. WU. Mr. Chairman, I am yielding to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, we raised objection to the gentleman's desire to continue with this. He is raising it out of order.

Mr. TOM DAVIS of Virginia. It is in order at any point to raise it, and I will continue to raise it.

The CHAIRMAN. The gentleman from Virginia has again asked for unanimous consent to take his point of order out of order.

Ms. KAPTUR. We object to that, Mr. Chairman. He missed his opportunity.

The CHAIRMAN. Objection is heard.

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

I am going to yield to the gentleman from Virginia, but I would like to know why the gentlewoman from Ohio would object. Let him make his point; then if they have the votes, knock it out. He was on the floor. The gentleman was on the floor. He could not get to the microphone because he thought there was going to be a vote on the gentleman from Texas's (Mr. BONILLA) amendment. That is the point here. If she does not like what he is going to say, stand up, but give him the right to say it, not to object to it. That is a lousy way to treat a Member.

If somebody were doing that to you, you would have motions to adjourn and motions to do this and that. The gentleman was on the floor. He wants to make a point of order. Let him make his point. What is the problem with doing that?

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

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

Ms. KAPTUR. Mr. Chairman, because he is proceeding out of order. We have dozens of amendments, as the gentleman well knows.

Mr. LAHOOD. Mr. Chairman, he was on the floor.

Ms. KAPTUR. Mr. Chairman, if the gentleman would continue to yield, he missed his opportunity as the bill was being read.

Mr. LAHOOD. Mr. Chairman, reclaiming my time, I am going to say this: I think the gentleman does have a right. He was on the floor. He could not get to the microphone because he thought a vote would be called for on the gentleman from Texas's (Mr. BONILLA) amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia to make his point.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think it is interesting, as we heard from the other side last week about tactics on this side that were overbearing and the like, to see that given the opportunity in this case to reciprocate and show some openness that they have declined to do so. Nothing is surprising. But all I can say is that I will object to their unanimous consent request and sit here.

Mr. LAHOOD. Mr. Chairman, reclaiming my time, I wonder if the gentlewoman from Ohio would reconsider her objection.

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

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

Ms. KAPTUR. Mr. Chairman, not at this time.

Mr. LAHOOD. Mr. Chairman, I could not understand the gentlewoman's response. I wonder if the gentlewoman would consider giving the opportunity to the gentleman from Virginia to speak on the part of the bill that he wants to speak on.

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

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

Ms. KAPTUR. Mr. Chairman, the gentleman from Illinois (Mr. LAHOOD) knows the rules of the House very well. The gentleman missed his opportunity as the bill was being read.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me ask the distinguished chairman, will he, in light of what has transpired here, and I know that he was not up to this previously, work with me to amend this provision and make it appropriate in the conference or to ''X'' it out altogether?

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

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

Mr. BONILLA. Mr. Chairman, I would be happy to work with the gentleman on the issue that he is trying to raise here today.

Mr. TOM DAVIS of Virginia. Mr. Chairman, as the gentleman knows, we are willing to work with some reporting requirements that our committee be included as part of the reporting as well as the appropriations because we have jurisdiction. But we will work to get it out altogether now because of their inability to compromise.

AMENDMENT NO. 9 OFFERED BY MR. BACA

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

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. BACA:

In title I, under the heading ''COMMON COMPUTING ENVIRONMENT'', insert after the dollar amount the following: ''(reduced by $3,500,000)''.

In title I, under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount the following: ''(increased by $250,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—T4research and education activities'', insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: ''(increased by $1,500,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: ''(increased by $1,000,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount the following: ''(increased by $750,000)''.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. BACA. Mr. Chairman, I rise in favor of this amendment by the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Michigan (Mr. KILDEE), and myself to increase the funding for minority programs in the USDA.

What we are asking for, basically, is $3.5 million in increase. The purpose for the funding would be $250,000 for the Office of Assistant Secretary of Civil Rights, $1 million for tribal expansion grants, $750,000 for grants of socially disadvantaged farmers and ranchers, and $1.5 million for Hispanic-serving institutes.

The amount is important because it provides funding to help civil rights,

and I state again, civil rights programs, and other significant funding to help minorities in the field of agriculture. The U.S. Department of Agriculture has institutional problems that must be resolved, and this is the way to resolve the problems that we have. The problems within the USDA are so severe, the civil rights complaints have cost the Federal Government nearly $1 million in settlements and awards. Supporting the civil rights process and properly funding minority initiatives are necessary to permanently end a history of discrimination. I state a history of discrimination. We must rebuild the trust in minority communities, and the USDA can do that.

Mr. Chairman, I yield to the gentleman from Texas (Mr. RODRIGUEZ).

□ 1215

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity, first of all, to congratulate the gentleman from California (Mr. BACA), the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Michigan (Mr. KILDEE) on this particular amendment.

Mr. Speaker, I would like to thank my colleagues for this effort, because there is no doubt that, despite the amendment before us by the gentleman from Texas (Mr. BONILLA), we still need to make sure that those resources go to those communities, minority communities, throughout this country, to make sure that discrimination does not exist.

Although we have made great strides to end discrimination in this country, it still persists in our produce organizations and the United States Department of Agriculture. The USDA has a history of discrimination in these programs, and the USDA has not provided enough funding for minority initiatives that would level the playing field for minority products.

So even if we do what we have been assigned based on the amendment that was passed offered by the gentleman from Texas (Mr. BONILLA), we have got to make sure that those resources reach those populations that are in need; that despite the fact when we did have that staff there and now we are trying to increase the staff, that still did not take place.

Civil rights complaints from minority farmers have cost the USDA nearly $1 billion in the form of settlements and awards and have the potential to increase many times that amount. The Baca-Thomas-Kildee amendment is a modest and needed step in reducing these costs and eliminating discrimination against minorities.

With all the progress that our country has made, it is my hope that the Congress continues to move in the right direction and support funding for programs and farmers and ranchers throughout this country, including black farmers and Hispanic farmers.

Mr. Chairman, I urge my colleagues to support this amendment in order to do the right thing in this country.

Mr. BACA. Mr. Chairman, reclaiming my time, this is just a modest step in the right direction to deal with civil rights. As we look at the support that we have right now, we have support from the national Congress of American Indians that represents 250 tribal governments; we have the support of the National Hispanic Legislation Agenda; we have the support of the Hispanic Association of Colleges and Universities and Rural Coalitions that represent somewhere around 350 colleges and universities.

This is an important step in making sure that we deal with civil rights and provide the funding for many individuals that have been discriminated against in the past. Our population continues to grow. As I stated earlier, we have 16 percent of the total population being Hispanic right now, representing 42 million right now in the United States, including Puerto Rico. We need to make sure that adequate funding is there to provide civil rights and protection for individuals and minorities or others who have filed a complaint, to make sure farmers and others have an opportunity to progress and harvest their farms in a timely manner. Without the civil rights complaint, it becomes very difficult for individuals to be heard and their voices. We need to make sure those voices are heard on an equal plane.

This funding will provide an opportunity for many individuals to demonstrate their concerns when they have a complaint, and we need to make sure that adequate funds are there through civil rights, through the Department of Agriculture, through the USDA, to make sure that the complaints are heard.

Mr. Chairman, I hope my colleague from Texas will support this legislation, because I know he believes in civil rights, and civil rights is important for all of us to look at funding.

The CHAIRMAN. The Clerk designated Amendment No. 9. The gentleman actually offered an unnumbered amendment, which the Clerk will now report.

The Clerk read as follows:

Amendment offered by Mr. BACA:

In title I, under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount the following: ''(increased by $250,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: ''(increased by $1,500,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—EXTENSION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: ''(increased by $1,000,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount the following: ''(increased by $750,000)''.

In title III, under the heading ''RURAL DEVELOPMENT—SALARIES AND EXPENSES'', insert after the dollar amount the following: ''(reduced by $3,500,000)''.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, speaking on my point of order, the amendment offered by the gentleman from California proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from California (Mr. BACA) wish to be heard on the point of order?

Mr. BACA. Mr. Chairman, I believe that we did offer the motion when it was asked for during the proper period of time, so we are in compliance with the rules of the House.

The CHAIRMAN. The Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from California proposes a net increase in the level of outlays in the bill, as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

Consequently, the amendment is not in order.

If there are no further amendments, the Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $19,452,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $669,000.

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 alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $165,883,000, to remain available until expended: *Provided*, That not to exceed 5 percent of amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of new or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT OFFERED BY MS. KAPTUR

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

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

The CHAIRMAN. The gentleman reserves a point of order.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

In title I, under the heading ''AGRICULTURE BUILDING AND FACILITIES AND RENTAL PAYMENTS—(INCLUDING TRANSFERS OF FUNDS)'', insert after the dollar amount the following: ''(reduced by $8,000,000)''.

In title III, under the heading ''RENEWABLE ENERGY PROGRAM'', insert after the dollar amount the following: ''(increased by $8,000,000)''.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) has reserved a point of order. The gentleman may now state his point of order.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. BONILLA. Mr. Chairman, the amendment offered by the gentlewoman from Oregon proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Texas address the amendment offered by the gentlewoman from Ohio in his point of order?

Mr. BONILLA. It is the amendment offered by the gentlewoman from Ohio. I correct myself.

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

Ms. KAPTUR. Yes, Mr. Chairman.

Mr. Chairman, I do not quite understand the point of order. Our amendment essentially is to bring to a level of $23 million the accounts dealing with biofuels, renewable energy in the bill, which equals this year's level of $23 million. We offset that with funds from the Agriculture buildings and facilities and rental payments account. My amendment does not touch any part of what the gentleman just read.

So, I am from Ohio, and I am offering this amendment. This is not an amendment from Oregon.

The CHAIRMAN. Does the gentleman from Texas wish to be heard further?

Mr. BONILLA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Chairman, the purpose of this amendment is to move America into the future. In the new farm bill, title IX provides for the first time in American history an energy title. In the past fiscal year, we provided $23 million in that account to help move America forward, rooted deeply in the rural countryside. The bill before us today actually cuts that account. This amendment merely restores $8 million to bring it up to equal what we are spending in this current fiscal year of $23 million in the renewable fuels account, title IX of the bill.

Members have to decide, are they for the future, or do they want to continue to live in the past?

The funds that we use to make this account equal to what it is this year come from the Agriculture buildings and facilities and rental payments account. There is an $8 million offset within the bill.

I think it is important for members on every committee, regardless of where we serve in this House, to help move America forward to energy independence. How we convert this country is each of our responsibilities. The United States currently imports two-thirds of the petroleum we consume. By 2025 it is estimated that we will consume 75 percent of imported fuels in this country. We are at the dawn of a new fuels age.

This chart that I am showing you here indicates that the largest share of the fuels we import are from the Middle East. It is no surprise to anybody here where we are at war right now. This is not going to change unless each of us changes. In the most recent farm bill that was passed, we made an effort to do that.

To cut the renewable fuels accounts at the beginning of this 21st century makes absolutely no sense at all. All our amendment does is say we made a good start last year. It was a small start, because only about 1 percent of the fuels we consume in this country are renewable fuels, like ethanol and biodiesel. Our amendment says we have made one small step forward for humankind; let us take another small step with this bill.

According to GAO, the United States has spent over $130 billion over the last three decades in government subsidies to the oil industry. What we are talking about here is a very small amount of money in this bill, $23 million with this amendment, that would help the U.S. Department of Agriculture help America pull forward and to try to resolve our chief strategic vulnerability, which is our absolutely total dependence on imported petroleum.

Recent studies cited by the Renewable Fuels Association found, for example, that increasing ethanol production to just 5 billion gallons annually would create 214,000 jobs, $5.3 billion in new private sector investment in renewable fuel production facilities and increase household income by $51.7 billion, because we would not be draining off the dollars we spend on fuels to go to producers in other countries.

While the energy bill would establish a renewable fuel standard that would lead us to a doubling of ethanol usage, we still need to support the development of infrastructure and ethanol and biodiesel plant construction and distribution systems. We are at the dawn of a new fuels age. It is just a little keyhole as we look toward the future. Yet this is one of the most important steps we can take in trying to help America when she needs us most.

So every single Member here has to ask themselves as they consider our small amendment, just to put $23 million in this account to keep it equal with last year, are we going to live in the past, or are we going to move forward? Are we going to ask agricultural America to pull forward with the Nation? Or are we going to continue to live with our heads and our pockets literally in the sands of the Middle East and every other undemocratic place in the world?

American farmers want to move forward. Is this Congress going to help them, or are we going to continue to live in the troubled past?

I ask for support on this amendment. Essentially again what it does, it takes $8 million from the buildings accounts, moves it into title IX, to keep it at $23 million, which is what we are spending in this current fiscal year.

Mr. LATHAM. Mr. Chairman, I rise in support of the amendment. I think it is a good offset.

□ 1230

It is absolutely critical that we fund renewable energy as much as possible. I am very pleased that we will be able to do this, increase that account. Ethanol is so important as far as our dependency on foreign oil. We have tremendous opportunities in the Midwest, in Iowa, throughout the country to lessen our dependency on foreign oil with such things as soy diesel, biomass, wind, energy, all of those things that are renewable sources of energy and are going to be so important for our future for energy independence in this country.

It is an economic issue. Through rural America, we have an opportunity in rural America to do what we do best, and that is take solar energy through photosynthesis, be able to convert that into corn, soybeans, whatever kind of crops, and then convert that into renewable sources of energy.

We need the dollars for research, it is absolutely critical, and I rise in strong support of this amendment.

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

I am pleased to support this amendment with the gentlewoman from Ohio (Ms. KAPTUR), as well as my colleague from Iowa and others of this body, which will restore $8 million in funding to the Department of Agriculture's Renewable Energy and Energy Efficiency program. The Renewable Energy and Energy Efficiency program was created under the 2002 farm bill and has had great success.

The program provides that grant funds can be used to pay up to 25 percent of the costs for eligible renewable energy projects. These projects include those that derive energy from wind, solar, biomass, or geothermal thermal sources, or hydrogen derived from these sources. Awards are made on a competitive basis for the purchase of renewable energy systems and to make energy improvements.

Last year, USDA ordered a total of 113 grants to program applicants in 24 States. These grants totaled $21.2 million nationwide, including more than $62,000 for renewable energy projects in the State of South Dakota. These grants supported a broad array of renewable energy projects, including ethanol plants, wind power projects, solar projects, anaerobic digesters, direct combustion programs, and fuel pellet systems.

Our amendment would bring funding to the full $23 million level authorized under the 2002 farm bill, the same level as enacted in fiscal year 2004. This program is a win-win for farmers, ranchers, and consumers; and I feel it is important not to cut its funding levels.

This amendment is supported by a broad array of agricultural commodity and energy groups from across my State, and I urge my colleagues to increase funding for this important program.

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

Mr. Chairman, I would like to recognize the strong leadership of the ranking member, the gentlewoman from Ohio (Ms. KAPTUR), and the new and strong leadership of our newest member, the gentlewoman from South Dakota (Ms. HERSETH), in bringing this important amendment before the U.S. House of Representatives.

This amendment would not only assist us in achieving energy independence sooner than we otherwise would, but let us look at some of the specifics in this amendment which I think are very, very important, not just to the United States of America as a whole, but also to our particular region of the country, the Pacific Northwest, which is particularly reliant on renewable sources of energy such as hydropower, wind power, and other renewable energy sources which have less impact on the environment than does our current reliance on oil and coal.

Last year, in the past, this is what this effort has achieved: it assisted 35 wind power projects. It supported $7 million to support 30 anaerobic digesters; $1 million to support six solar projects; almost $4 million to support 16 ethanol plants and anaerobic digester plants; and also supported direct combustion and fuel pellet systems. These are important projects locally, nationally, and affect the geopolitics of the world.

The section 9006 program leverages a tremendous amount of private sector investment, since the program provides a maximum of 25 percent funding. This 3-to-1 leverage ratio is a good buy for the American taxpayer. This fosters rural economic development and generates clean and efficient energy.

The amendment is supported by the Alternative Fuels Renewable Energies Council, the American Bioenergy Association, the American Corn Growers Association, the American Council for an Energy Efficient Economy, the American Wind Energy Association, the Chesapeake Climate Action Network, the Energy Law and Policy Center, the Geothermal Energy Association, the National Association of State Energy Officials, the National Farmers Union, the Renewable Energy Action Project, the Solar Energy Industries Association, and the Soybean Producers of America, all strong supporters of this important amendment. The Spokane County, and that, Mr. Chairman, is in my corner of the country, the Spokane County Conservation District, the Union of Concerned Scientists, and the Western Organization of Resource Councils, all of these organizations support this amendment offered by the gentlewoman from South Dakota (Ms. HERSETH) and the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, because it makes sense. It leads to clean energy; it leads to energy independence. This is what the best of agricultural policy should do for America and the world.

Mr. Chairman, I yield to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member, if she has any further comments.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from Oregon (Mr. WU) so very much for his excellent, excellent summary of what this program has done. I want to thank him also for mentioning all of the organizations that support our efforts here.

I want people to have this one photo in their mind. If we look at total Trichart showing petroleum consumption in the United States, the growing share of imports that are a part of that is apparent. This is just a staggering set of statistics to keep in mind as we witness our nation become more and more and more dependent on imported petroleum. Here, this chart presents the one picture to keep in our minds.

The other one is this: we are at the dawn of the new fuels age. Less than 1 percent, less than 1 percent of what we currently produce in this country do we make ourselves from agriculturally based fuels. The potential literally is unlimited. This bill takes us another small step to open this window to begin to fuel ourselves and put those dollars in our pockets.

So I thank the gentleman for yielding to me. I ask the membership for their support on this Kaptur-Herseth amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

Ms. HOOLEY of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY of Oregon:

Page 5, line 15, insert after the dollar amount ''(decreased by $10,000,000)''.

Page 18, line 9, insert after the first dollar amount ''(increased by $5,000,000)''.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. HOOLEY of Oregon. Mr. Chairman, my amendment would increase funding for the Animal and Plant Health Inspection Service by $5 million for the purpose of combating sudden oak death.

Sudden oak death is a relatively new disease, first discovered in California in 1995. Since that time it has spread to nurseries throughout the west coast and actually has also been discovered in New York. Caused by a fungus-like organism that invades susceptible trees through the bark, killing portions of the tree, sudden oak death is dangerous to both the nursery and Christmas tree industries, and to our wild forests.

I want to commend the committee for including some additional funding in this bill for research of sudden oak death. Because of the newness and lack of knowledge we have about this disease, additional research is essential, and I am strongly supportive of these efforts.

In addition to research, however, we must include additional funding to investigate and eradicate sudden oak death, and the bill we have in front of us today falls short of that necessary funding. Last year, APHIS allocated $15 million toward efforts to fight sudden oak death and is launching a national investigation to determine where sudden oak death is located and how it is spreading. Additional funding is necessary to complete the job.

In Oregon, the nursery industry is the number one sector of agriculture, totaling over $700 million produced annually. The Oregon Department of Agriculture has acted aggressively in an attempt to identify and eradicate this disease.

Sudden oak death, however, is a national problem, not one unique just to Oregon and, as a result, demands a national solution.

The nursery industry nationally is a $14 billion industry. Failure to stop the spread of this disease could have devastating effects on the American economy. Canada currently has a quarantine on California nurseries and is considering placing one on Oregon and

Washington. In addition, Korea and Mexico are considering a quarantine that would affect the export of Christmas trees. Even within the United States, States are beginning to place quarantines on other States because of sudden oak death.

Sudden oak death has real economic consequences, and we must take additional steps to fight it. This amendment is merely a step in the longer battle against this disease. This amendment is fully offset, reducing funding from the USDA Buildings and Facilities Account. Even with this reduction, they will receive at least as much money as they did last year. This amendment will help stop sudden oak death and will save American agriculture millions of dollars. I urge my colleagues to support the Hooley-Wu amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

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

Mr. WEINER. Mr. Chairman, reserving the right to object, has this been cleared with our leadership here, Mr. Chairman?

Mr. BONILLA. I would suggest to the gentleman that he consult with the ranking member.

PARLIAMENTARY INQUIRY

Ms. KAPTUR. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state it.

Ms. KAPTUR. Mr. Chairman, we did not hear the gentleman's request.

Mr. BONILLA. The unanimous consent request was that debate on this amendment and any amendments thereto be limited to 10 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

Ms. KAPTUR. Mr. Chairman, is that just on this amendment?

Mr. BONILLA. And any amendments thereto.

Ms. KAPTUR. Just amendments to this amendment?

Mr. BONILLA. And any second degree amendments.

Ms. KAPTUR. We would agree to that.

Mr. WEINER. Mr. Chairman, I withdraw my reservation of objection.

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

Mr. WU. Mr. Chairman, reserving the right to object, are we agreeing to time limitations on all subsequent amendments? Are we agreeing to a 10-minute limit on this amendment only?

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

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

Mr. BONILLA. The unanimous consent request simply applies to this amendment.

Mr. WU. Mr. Chairman, is there any intention of the chairman or of anyone that the chairman knows of to offer a secondary amendment?

Mr. BONILLA. No.

The CHAIRMAN. The gentleman's unanimous consent request is that time be limited to 10 minutes equally divided by each side on this amendment and any amendment to this amendment.

Is there objection to the request of the gentleman from Texas?

Mr. WU. Mr. Chairman, I withdraw my reservation of objection.

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

Mr. BLUMENAUER. Mr. Chairman, reserving the right to object, I would like to understand, there are a number of us who would like to speak to this. I would like to know on the time allocation, if we were to approve the gentleman's request, when the time allocation would begin and how much time would be available to speak to the amendment.

□ 1245

The CHAIRMAN. The unanimous consent would go from this minute forward. It is a unanimous consent request that there be 10 minutes from this point forward on this amendment and any amendment thereto.

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

Mr. BLUMENAUER. Further reserving the right to object, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, would it be acceptable if we were to move to 15 minutes equally divided?

Mr. BLUMENAUER. We have three people who have been waiting here, patiently watching. I know some people are cranky, and I am going to object unless there is at least 10 minutes that is allocated for the three of us. We are willing to work with you to cut it down, but that is my objection.

Mr. BONILLA. Mr. Chairman, I would be happy to revise the unanimous consent request to say 15 minutes from this point on.

The CHAIRMAN. The unanimous consent request is that this amendment be limited to 15 minutes equally divided.

Mr. BLUMENAUER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman withdraws his objection. Is there further objection?

Mr. WU. Mr. Chairman, reserving the right to object.

Ms. KAPTUR. Mr. Chairman, we just want to get clarification. We have several speakers on this side, and if we were to be allotted 15 minutes on this side, not divided with the other side, that would allow for all of our people to speak.

The CHAIRMAN. The gentleman from Oregon controls the time under his reservation.

Mr. BONILLA. Mr. Chairman, I withdraw my unanimous consent request.

The CHAIRMAN. The unanimous consent request is withdrawn.

Mr. BONILLA. Mr. Chairman, before I state my objection to the amendment, I would advise Members that if amendments are being brought by the minority Members, that they consult with the ranking member and with the leadership, and once agreements are made about unanimous consents in the future, so that there does not have to be confusion on the floor in response to the unanimous consent. So the request would simply be made in good faith for a little more team work and organization so that we do not have delays like we just experienced that wind up defeating what we are trying to do.

But back to the subject at hand. I am rising in opposition to this amendment that is currently under consideration. We are aware of the sudden oak death causing severe problems, and I share the concern of the authors of this amendment.

In May, USDA transferred $15.5 million in emergency funds to the Animal and Plant Health Inspection Service to help halt the spread of sudden oak death to noninfested areas of the United States. The APHIS contingency fund, which is an appropriated account, provided an additional $2.5 million for sudden oak death this year. The bill before us contains almost $2 million for sudden oak death eradication in fiscal year 2005, the same amount as provided in fiscal year 2004.

The emergency authorities that allowed for the additional funding of $18 million in 2004 are also in effect for 2005. Some of that $18 million will be carried over into 2005. So I really think that we are prepared, if the problem is extensive, for anything that may occur in the future, and we can certainly adjust and work with the authorizers and with authors of this amendment to adjust that if necessary.

And, again, I am opposed to the amendment and want to state that clearly.

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

There is an emerging threat to the nursery stock and Christmas tree industries, and I want to recognize my colleague, the gentlewoman from Oregon (Ms. HOOLEY), and the gentleman from Oregon (Mr. BLUMENAUER), and I am pleased of the work with the gentlewoman from Oregon (Ms. HOOLEY) in offering this amendment.

Phytophthora ramorum is the causal agent of sudden oak death. This pathogen causes disease on a wide, wide range of plant species, including many crops important to the nursery industry such as rhododendron and camellia and potentially affects Oregon's Christmas tree industry also.

Together, nursery crops and Christmas trees are crucial not only to jobs in Oregon but they also constitute over $1 billion in Oregon exports. Oregon, by the way, is the Nation's largest grower of Christmas trees.

Sudden oak death has already resulted in one county-wide quarantine

on nursery products in a county which I represent, Columbia County, Oregon. This disease is threatening Oregon's nursery industry and its Christmas tree growers.

To respond to this threat, Oregon has begun an aggressive joint State and Federal inspection program that will gather and test plants from almost 1,400 nurseries and Christmas tree growers. Each nursery will submit a minimum of 40 plant tissue samples for laboratory analysis.

The ability of the Animal and Plant Health Inspection Service, known as APHIS, to process these samples in a timely manner is absolutely essential to the Oregon agricultural economy, and I want to ensure that APHIS has the necessary resources to do so.

This bill contains $1.98 million for emerging plant pests. Some of that money will be applied to sudden oak death eradication. I am pleased that this bill does provide some funding for sudden oak death eradication. However, I do not believe that $1.98 million will provide APHIS with enough resources to deal with the serious threat facing the State of Oregon and the Nation as a whole.

In 2004 alone, USDA had to allocate over $17 million in emergency and contingency funds for sudden oak death eradication. We are facing the same threat in fiscal year 2005, and we should not, should not as a matter of sound policy, rely solely on emergency funds to meet our needs.

Mr. Chairman, the Hooley-Wu amendment transfers $5 million to APHIS from the Agriculture buildings and facilities account for the purpose of sudden oak death eradication. These additional funds will ensure that important collaborative efforts between the States and APHIS continue in a timely manner and in an effective way.

I would like to thank my colleagues, the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Texas (Mr. BONILLA), the gentlewoman from Ohio (Ms. KAPTUR), the Committee on Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, staff members and all affiliated staff for their assistance with this issue.

I believe that, by working together, we can minimize the economic impact of sudden oak death in Oregon and around the United States.

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

I will not take the full 5 minutes, in the spirit of trying to move this forward, but I am concerned about the sense of urgency of the problem dealing with sudden oak death. I appreciate my colleagues, the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Oregon (Mr. WU), highlighting the problem as it relates to our State.

The nursery industry is an important part of our agricultural base. Just 1 percent of Oregon farm land devoted to the nursery industry produces 20 percent of total crop value.

This is not just an Oregon problem. We are involved with massive amounts of transfer of plant material around the country, and if we are not able to move quickly to deal with sudden oak death, we risk not just crippling the nursery business in Oregon but it is going to have consequences for people throughout the country as this disease makes its way through the system.

I hope that we would in fact approve this amendment. It is a modest amount of money to make a difference to a $14 billion national industry and prevent much more serious steps that will need to be taken in the future.

So, with due respect to the chair of the subcommittee, I would hope that my colleagues would approve the amendment to exercise the foresight to avoid a problem in our State, in our region, in the West to avoid becoming truly a national disaster.

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

Mr. Chairman, I rise today in support of the Wu-Hooley amendment. These two individuals from Oregon are doing a big service for not only their State but my State and many States around the country, because it is absolutely important that we control the spread of sudden oak death and that we learn to treat plants effectively that are being affected by this disease.

While sudden oak death's funding through APHIS is set at last year's levels in this bill, this fast-spreading disease has not remained at last year's levels.

In the last year alone, sudden oak death was found for the first time in a nursery in southern California, and there is evidence that it has spread to the Northeast and also the Southeast part of the United States, and that ignores the fact that we have already invested $5 million to find out what is the cause and how do we treat it.

Nurseries in California are struggling with quarantines that have been put in place against them and their nursery products in Canada and also in our own country in Kentucky, and quarantines of nurseries in Washington State and Oregon State are also under scrutiny.

I have been advocating on behalf of funding to fight this disease since it first appeared in my district in Marin County in 1995. Sudden oak death continues in spite of my efforts and in spite of the $5 million that the Federal Government has invested in finding out the cause and what we can be doing about it. Sudden oak death continues to slowly but surely spread, and more and more communities around the country have come to understand that this disease is devastating, and it absolutely must be addressed.

And I remind you that sudden oak death's funding to date has not made a dent in the problem. In fact, the problem spreads.

Mr. Chairman, I ask that my colleagues join me in supporting this amendment before sudden oak affects the entire country. Please do not wait until this disease spreads to your own community before your beautiful trees, beautiful oak trees in Marin County or rhododendron plants around the country, before these trees and these plants turn brown, before they die, before they have to be taken away, before you recognize that this is a real problem and we must put the proper funding behind it. Vote yes on the Hooley-Wu amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

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

Ms. HOOLEY of Oregon. 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 clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. WEINER

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

Mr. BONILLA. Mr. Chairman, as the amendment is being brought forward, I would like to reserve a point of order. We have not seen this amendment yet.

The CHAIRMAN. The point of order is reserved.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 5, line 15, insert ''(decreased by $19,667,000)'' after the dollar amount.

Page 18, line 9, insert ''(increased by $19,667,000)'' after the 1st dollar amount.

□ 1300

Mr. WEINER. Mr. Chairman, I wanted to thank the chairman and ranking member of the subcommittee for their work on this bill.

In this bill we are investing in the neighborhood of about $47 million to wipe out the boll weevil. It poses a threat to an important U.S. commodity. It poses a threat to a way of life to many people. In fact, at the same time we are dramatically reducing the funds necessary to wipe out the Asian long horn beetle, my friend here. The Asian long horn beetle has devastated trees in New York, Illinois and New Jersey and is showing a path that could spread to over half the trees in the United States.

There is a way that we can stop this. An eradication program was begun by APHIS 3 years ago funded by this Congress that has finally started to crest the expansion of this pest. Unfortunately, in the chairman's mark we underfund by a magnitude of about $20 million what APHIS says will be necessary to eradicate the threat.

The problem that we face here in this House is we run the risk of wasting a rather substantial investment of money that we have paid in the last 2

fiscal years to wipe out this insect. What this bug has done since 1996 has devastated trees throughout New York, and I know the old story about the tree growing in Brooklyn. In fact, there are thousands and thousands of trees that have been impacted already and without a steady investment of funds will continue to.

What we propose to do here is not to take the optimum amount of funding. According to the State of New York, it would take about $72 million a year for the next 5 years in order to wipe out this pest, but take the minimum amount that APHIS says they require, which is $30 million over the next several years, to eradicate this threat so it does not move any further.

Right now, Ground Zero for this problem is in the New York-New Jersey area; but we have seen it spring up in the center of the country in Illinois. We have also seen how difficult it is to get a handle on it. To be very honest with you, the only way they have found to get rid of this pest once it is in a tree is to chop down the tree and scrap it and to shred that tree to bits. We cannot risk over 47 percent of the trees in this country which, according to the Department of Agriculture, are susceptible to this threat. Now is the time to cut it off at the tentacles or whatever it has. Now is the time for us to continue our battle against this.

The last thing we should be doing, Mr. Chairman, is allowing the good work of the committee in the past which has invested money to wipe this out and then say, essentially, we will stop on a dime and revert to a place where we will try to hold this in check until we have more money. We have started on this path. The only responsible thing to do is to continue on this program which will require about $30 million a year.

My amendment provides an additional $19.6 million which would prevent this pest from spreading any further.

Mr. Chairman, I would like to respond to the point of order.

POINT OF ORDER

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

Mr. BONILLA. I do, Mr. Chairman.

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. WEINER) proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from New York (Mr. WEINER) wish to be heard on the point of order?

Mr. WEINER. Yes, Mr. Chairman.

Mr. Chairman, am I right that there are two parts to the point of order? One, that we have not yet reached page 5 which my amendment strikes; and the second part is that it increases outlays; is that correct?

The CHAIRMAN. The Chair is prepared to rule on the point of order offered by the gentleman from Texas (Mr. BONILLA).

Mr. WEINER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. WEINER. Mr. Chairman, I am asking is the point of order, does it make two separate points? One being we have not reached the page and the other being that it does outlays? Just so I understand what I am responding to.

The CHAIRMAN. The point of order is that the amendment reaches ahead to a portion of the bill not yet read, and that a possible defense of that point of order is not available unless the amendment is both budget authority and outlay neutral.

Mr. WEINER. Mr. Chairman, if I could be heard on the point of order. We are at the chapter of the bill. We are at page 5. We are at the relevant paragraph of the bill. That is a matter of fact. And as far as the outlays, this has previously been scored for another amendment, and I am making a 6 percent reduction, and we are waiting for word from CBO, which hopefully will be coming momentarily which will clarify the other point.

The CHAIRMAN. Does the gentleman wish to be heard further on his point of order?

Mr. WEINER. I think I have just about maximized my statement.

The CHAIRMAN. The Chair is prepared to rule.

Does the gentlewoman from Ohio (Ms. KAPTUR) wish to be heard on the point of order?

Ms. KAPTUR. I wish to be heard on the point of order.

I wonder if the majority could share the CBO scoring with us. We do not have a report back, or at least it has not been referred to us in general.

Mr. BONILLA. Mr. Chairman, we are prepared to hear the ruling on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

Ms. KAPTUR. Do I take it there is no CBO scoring that the majority is able to provide us with?

The CHAIRMAN. The Chair will rule on this point of order.

Mr. WEINER. May I be heard on the point of order?

If the ruling of the Chair is that we have not yet reached that point, will I be free to offer it again when the time is more propitious?

Ms. KAPTUR. Mr. Chairman, I did not get an answer to my question. Mr. Chairman, I asked the majority whether they have the information on the CBO scoring. The minority does not have that report. If this is going to be a factor in the judgment of the Chair, we would appreciate the information.

The CHAIRMAN. The Chair is attempting to answer the gentleman from New York's (Mr. WEINER) question.

The first instruction is in order at this time in the reading. The second instruction touches a portion of the bill not yet read.

Mr. WEINER. Mr. Chairman, so if you are required under the rule to have an offset, then obviously they are going to be at two different sections of the bill. How can you possibly offer them two places at once?

The CHAIRMAN. In order to avail itself of clause 2(f) of rule XXI, the offset must be budget authority neutral and outlay neutral, and the proponent of the amendment has the burden of proof that it is outlay neutral.

Mr. WEINER. If I can further be heard, so the point in the bill we are at is not in issue? It is only whether it is budget and outlay neutral?

The CHAIRMAN. That is correct. The Chair is prepared to rule.

Mr. WEINER. Does the gentlewoman from Ohio (Ms. KAPTUR) want to be heard on this?

Ms. KAPTUR. Yes, Mr. Chairman. I was trying to get a clarification from the Chair. If the majority has objections based on CBO numbers, where are those numbers? They have not been provided to the minority. So we do not understand the nature of the objection.

The CHAIRMAN. The Chair is prepared to rule. The Chair would like to cite page 822 of the House Rules and Manual. It says as follows: ''The burden is on the proponent of an amendment to show that the amendment does not increase levels of budget authority or outlays within the meaning of clause 2(f).''

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from New York (Mr. WEINER) proposes a net increase in the levels of outlays in the bill as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

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

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

Mr. Chairman, I would ask the gentleman from Texas (Mr. BONILLA) to enter into a colloquy.

On January 7, 2004, the National Academies of Sciences released a report, ''Biological Confinement of Genetically Engineered Organisms.'' The study focused on biological methods for confining transgenic crop plants, grasses, trees, fish, shell fish, and insects. The study provides an evaluation of current scientific understanding of various methods, advantages of each method, reasons why methods fail, possibilities for minimization and mitigation of those failures, feasibility of large scale screening for failures, and ecological consequences of wide-spread use of these biological confinement methods.

On February 23, 2004, the Union of Concerned Scientists released a pilot

study, ''Gone to Seed: Transgenic Contaminants in the Traditional Seed Supply,'' which found genetically injured DNA is contaminating traditional seeds of three major U.S. crops: corn, soy beans, and canola. Seed contamination if left unchecked could disrupt agricultural trade, unfairly burden the organic industry, and allow hazardous materials into the food supply. These results show that confinement of existing transgenic crops has failed and make the National Academies of Sciences report critical.

In response, 15 Members of Congress, including me, sent a letter to the Secretary of Agriculture, Ann Veneman, on April 2, 2004, seeking a response by the USDA to the UCS pilot study. The letter raised several concerns, including the potential elimination of traditional, nongenetically engineered seeds, the threat to organic farming, and the potential contamination of food by pharmaceutical and industrial crops.

On June 23, 2004, the Under Secretary of Research, Education and Economics, Joseph Jen, in a letter agreed with the conclusion of the UCS report that contamination has occurred and even went further to say that it was not unexpected. Moreover, he further stated that ''testing larger sample sizes in other crops would likely yield much the same results: transgene DNA occurs in seed lots of 'nontransgenic' varieties at a frequency within accepted commercial tolerances.'' Essentially, the USDA admits that contamination is occurring.

In light of the USDA agreement that contamination is ongoing, I would like to work with the chairman and ranking member to take action necessary to minimize the contamination of nongenetically engineered seeds, protect organic farm production, and prevent contamination of the food supply by pharmaceutical and industrial crops.

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

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

Mr. BONILLA. Mr. Chairman, I would state that I appreciate the gentleman's statement and would work with him to both support the development of the biotech industry and protect the environment and food supply.

Mr. KUCINICH. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 5, line 15, insert ''(decreased by $19,667,000)'' after the dollar amount.

Page 18, line 9, insert ''(increased by $18,000,000)'' after the 1st dollar amount.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment. We have not seen this amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, in the interest of time, I have already made my remarks; I want to try to facilitate as quickly as possible the amendment.

The justification is the same. The number has been changed to reflect what the CBO said would be necessary to take into account the change in the rate of outlays to accommodate the Budget Authority change that we are trying to make.

□ 1315

If the chairman would like for me to yield to him on my time, I would, in the interest of time, if he has any questions about the amendment. If not, in that case, let me just summarize again.

The number that we chose to increase by would provide what APHIS says is the necessary full funding to eradicate this pest, which is something that has ravaged New York City, ravaged Queens and Brooklyn, also has been spotted most troubling in Illinois and in New Jersey. We would be dramatically walking away from our commitment to wiping out this pest if we were to reduce to the chairman's mark.

We have to decide what we want to do. Do we want to take this cause that we have decided is necessary to be eradicated, we funded tens of millions of the dollars to eradicate it by a date certain? If we were to adopt the number in the chairman's mark, we would essentially be saying a lot of that money would be wasted because we would allow that pest to further infect trees not only in New York and New Jersey and Connecticut but apparently all throughout the Midwest.

I ask for a favorable consideration.

POINT OF ORDER

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

Mr. BONILLA. Mr. Chairman, I do have a point of order.

Mr. Chairman, the amendment offered by the gentleman from New York proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

I ask for a ruling from the Chair.

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

Mr. WEINER. Mr. Chairman, I have a fax here from the CBO scoring section that confirms that my amendment's outlays do not exceed the budget authority. As to the point of order, I still am not clear on. We are at page 5 where my amendment chooses to decrease funding.

The CHAIRMAN. The Chair will examine the CBO estimate.

Mr. BONILLA. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. Does anyone else wish to be heard on this amendment?

Ms. KAPTUR. Mr. Chairman, I rise in support of the amendment.

I rise in support of the gentleman from New York's (Mr. WEINER) amendment regarding these APHIS accounts. He is particularly focused on the Asian long-horned beetle which is devastating there in New York City and Chicago. We have many other invasive species. The chart I am holding here gives some representation of the exponential increase in this particular account which combats these destructive invasive species. We call it APHIS. That stands for Animal Plant Health Inspection Service.

If we look at the beginning of the 1990s to the present, the number of invasive species coming into this country is phenomenal, largely due to uninspected and nonfumigated material, much of it live, that ends up causing billions of dollars worth of biological damage across this country. Our forest systems are threatened. City trees are threatened. Our nursery industry is threatened. The maple sugar industry is threatened. If we look in every corner of this country, we have got an invasive species problem.

What we have been doing, and I support the gentleman's amendment, is to try to assist the States to remediate even when there are no known biological predators for the given problem.

This is a multibillion dollar problem we are trying to take care of with old technology in the sense that we are only taking taxpayer money to try to solve this problem, rather than place the burden on those commercial importers and others through our trade agreements who are causing the problem in the first place. We cannot let all the trees in New York City be wasted nor Emerald Ash borer in Ohio and Michigan that are killing all of our ash trees.

We have a serious national problem. It is absorbing more and more of the money inside of our agriculture bill.

I think the gentleman's amendment is very worthy. It is really a trade-off between a few windows in an account in buildings and facilities versus live material throughout in the country and major, major ecosystems that are threatened with absolute extinction.

So there is no question we have to support the gentleman's amendment. But, long term, we have asked the U.S. Department of Agriculture time and again concerning these trade agreements to find us answers that deal with environmental remediation, that places the burden on those who are responsible for the damage in the first place. Every single year when they appear before our committee, they have no answer.

This Secretary went to Qatar. I said to her, Madam Secretary, deal with these environmental problems that are causing devastation across our country. It never came out in any kind of a trade discussion that occurred by this administration.

So, at the least, we have to support this gentleman's amendment. But let us recognize the magnitude of this problem that is being placed on the taxpayers of every single one of our

States and especially burdensome to, for example, the citizens of Florida, the citizens of Ohio and Michigan, the citizens of New York and Illinois. We can go across this country. But until we get environmental standards built into these trade agreements, we are going to continue to gouge the taxpayers of this country.

It is the wrong solution. But it is the only one we have. So I want to support the gentleman's amendment. It is just too bad that the only place we have to go is the taxpayers rather than finding solution as we do in any other tort case that you would have before the courts of this country i.e., those enterprises that caused the problems in the first place should assume the burden of remediation I think the Asian longhorned beetle came from China.

Mrs. MALONEY. Mr. Chairman, will the gentlewoman yield?

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

Mrs. MALONEY. Mr. Chairman, I also would like to underscore the importance of this amendment. The beetle has struck two parks in the district that I represent. Once they infest the trees, they have to all be chopped down. They have been found three blocks from Central Park in New York, and we are trying mightily to keep it out of Central Park and from moving to the upstate forested area of New York State and moving to other States.

We have to stop the beetle and spend as much money as it takes. Because once they infest a tree, the only alternative is to chop the tree down and all the trees in the surrounding area. It is a tremendous crisis of the environment in our neighborhood, and I strongly support the ranking member's statements and the gentleman's amendment.

Ms. KAPTUR. Mr. Chairman, I thank the gentlewoman for her comments and would call for a vote on the amendment.

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

Mr. Chairman, I want to make it clear that I oppose this amendment. This is a very important issue that the gentleman from New York raises. We have increased the funding in APHIS to address situations like this around the country. This was at the request of the gentleman from New York and also the other gentleman from New York (Mr. HINCHEY), who sits on the subcommittee.

We realize that there may be an additional need for more money down the road, and if that need does arise, it could come from the CCC fund under emergency designation. So this is not like we are ignoring this issue. We simply feel like we, for the time being, have put sufficient funds into this account and would address it later if needed.

So, again, I rise in opposition to this amendment.

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

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

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

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

Are there any further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

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. 6901 et seq.), $15,730,000, 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, $22,939,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs, and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *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.

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, $3,852,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out 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, $9,378,000: *Provided*, That 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 Inspector General Act of 1978, $78,392,000, 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, 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.

AMENDMENT NO. 13 OFFERED BY MR. BLUMENAUER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. BLUMENAUER:

Page 8, line 6, after the first dollar amount insert the following: ''(reduced by $1,200,000) (increased by $1,200,000)''.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

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

There was no objection.

The CHAIRMAN. The gentleman from Oregon (Mr. BLUMENAUER) is recognized for 10 minutes.

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

I am happy to expedite this issue. I rise to offer this amendment in collaboration with my colleague, the gentleman from Colorado (Mr. TANCREDO), to provide an additional $1.2 million to improve the enforcement of Federal animal fighting laws. This is a perennial problem that the Federal Government has a critical role to solve.

Last year, the House passed an amendment to increase funding by $800,000, and I am appreciative for the approval by the body of that legislation and appreciate the growing support to combat these dangerous activities that threaten the health and well-being of both humans and animals and threaten the prosperity of our agricultural industry.

We have had earlier this year over 130 representatives and 47 members of the other body requesting this $1.2 million increase for animal fighting enforcement in letters to the Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies. This broad bipartisan support reflects our constituents' concern for meaningful enforcement of the Federal animal law, but, despite this broad bipartisan support, there are no additional funds designated within the account specifically for this task.

This amendment would provide $1.2 million for the Office of Inspector General, the chief law enforcement arm of the USDA, to focus on animal fighting cases, working closely with State and local enforcement personnel to complement their efforts.

This funding does not take money away from any other programs. It simply removes funds from the Office of Inspector General, places them back into the same account to designate the $1.2 million for enforcement of animal fighting laws.

Now, while the Inspector General did receive an increase in funding this year, it was to compensate for salary and cost increases and was not specifically providing funding for the enforcement of animal fighting.

Even though dog fighting is banned in 50 States and cockfighting is banned in 48, the Federal Government, as I mentioned earlier, must be involved because participants in animal fights often come together from several States at a time and animals are routinely moved across State lines.

Make no mistake, this is not some innocent pastime. Dogfighting and cockfighting are barbaric activities in which animals are given drugs to make them hyperaggressive, drugs to clot their blood more quickly so they can keep fighting longer. They are forced by their handlers to keep fighting even after they have suffered grievous injuries such as pierced lungs and gouged eyes. Dogfights and cockfights do not only involve deplorable animal abuse but they are inevitably, without question, involved with illegal gambling, often drug traffic and violence to people.

It is well-documented that animal fighters often bring their children to these spectacles, sending a terrible message to them about animal cruelty and violence and subjecting them to the aforementioned illegal activities.

Some dogfighters even steal pets to use as bait for training their dogs. Some abandon the fighting animals, leaving them to roam neighborhoods and wreak havoc. Any dog bred and trained to fight poses a public safety risk, and there have been numerous tragic examples, many involving children.

Animal fighting also poses a severe threat to the stability of our Nation's agricultural economy. This is something we brought to the floor in the past and I feel has not been given the attention that it needs.

Secretary of Agriculture Veneman indicated in a letter from January that cockfighting has been implicated in the introduction and spread of exotic Newcastle Disease in California in years 2002 and 2003 which cost United States taxpayers nearly $200 million to eradicate and cost the United States poultry industry many millions more in lost export markets.

□ 1330

''We believe,'' the Secretary says, ''that tougher penalties and prosecution will help deter illegal movement of birds as well as the inhumane practice of cockfighting itself.''

It has also been implicated in the deaths of at least two children in Asia this year who were exposed through cockfighting activities to bird flu. This is why the National Chicken Council, which represents 95 percent of U.S. poultry producers and processors, has stated that they are ''concerned that the nationwide traffic in game birds creates a continuing hazard for the dissemination of animal diseases.''

Surely, Mr. Chairman, spending this $1.2 million to crack down on illegal animal fighting is a wise investment to prevent the spread of costly future diseases. Animal fighting is no longer simply an animal welfare issue, although it certainly is that. It is an epidemic that costs taxpayers millions of dollars. It threatens our food supply and destroys the hard work of American farmers, promoting illegal gambling and drug activities and putting the public at risk.

I strongly urge my colleagues to vote in support of this amendment.

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

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

Mr. Chairman, I am opposed to the amendment for several reasons. First, the additional $400,000, a 50 percent increase above the fiscal year 2004 level, would go to the Inspector General for dog fighting and cockfighting enforcement and result in offsetting cuts in critical OIG activities such as BSE investigations and fighting food stamp fraud. Does the gentleman really wish to cut these programs? These are very important functions.

Second, the Department has told us that animal fighting enforcement is difficult to implement because it is just a misdemeanor offense under the Federal Animal Welfare Act. Adding more money to the budget will not solve this problem. There is, however, proposed legislation in both the House and the Senate to make animal fighting a felony offense. If that legislation is enacted, then it may be appropriate to consider additional funds in the future. OIG is strongly opposed to this amendment.

Third, we cannot justify a 50 percent increase in this program when we have cut overall discretionary spending on ag programs by $67 million from last year's levels. This bill already is very supportive of programs to ensure the humane care and treatment of animals. The bill already includes, for example, $800,000 for animal fighting enforcement in the Office of Inspector General's budget. Further, we provided $315,000 for animal welfare and a $225,000 increase for regulatory enforcement in the APHIS program and have fully funded $5 million for enforcement of the Humane Methods of Slaughter Act and the Food Safety and Inspection Service.

If the sponsors of this amendment were serious about this, programs like the ones I just mentioned are the ones that should be cut to pay for this amendment; but then that would force them to prioritize, like we all have to do. We have put a lot of work into this bill, and we feel like we have addressed all the issues being addressed here today. I would strongly support continuing along that road and rejecting this amendment.

I oppose this amendment and want to make that very clear.

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

Mr. BLUMENAUER. Mr. Chairman, may I inquire as to the remainder of my time.

The CHAIRMAN. The gentleman from Oregon has 4 minutes remaining.

Mr. BLUMENAUER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for yielding me this time, and I rise in strong support of the Blumenauer-Tancredo amendment.

Mr. Chairman, I recognize that the limited additional funds being proposed here for the Inspector General to focus on animal fighting certainly reflects what is happening in our country. Last year, we supported the amendments to provide $800,000 for the Inspector General to focus on animal fighting cases. This is a modest expansion to that.

One of the items I wanted to point out is that when the Inspector General gets funds and they are able to work on a problem, if there is criminal wrongdoing there is a financial recovery to the government of the United States. An absolute relationship between the funds we give to the Inspector General and the ability for general accounts, Treasury accounts, to have increased criminal payments because of the litigation that is done through the Inspector General's office.

So even though there is a little more money being provided in the amendment, believe me, it will be recovered and returned to the Treasury because of the fantastic job that the Inspector General does. In fact, we will probably end up with more money in the general treasury as a result of this amendment.

With all that is going on with animal diseases, I think it is fair to say the Department should be more vigilant with respect to animal welfare issues. And I want to commend the gentleman from Oregon (Mr. BLUMENAUER) and the gentleman from Colorado (Mr. TANCREDO) for bringing this forward. It is a shame that funds are not requested within the administration's request; but they, like us, are trying to deal with unrealistically small allocations that our committee has been given.

We will certainly support this amendment and hope to increase the Inspector General's accounts even more as we move toward conference. So the gentleman has my support and I commend him very much.

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

Mr. BLUMENAUER. Mr. Chairman, the remaining time is?

The CHAIRMAN. Two minutes.

Mr. BLUMENAUER. Mr. Chairman, I yield myself the balance of my time, and let me conclude by saying that I appreciate the expressions of interest and concern on the part of my friend, the distinguished Chair of the subcommittee. The point is, after having worked on this issue now for over 3 years in this Congress, I find that this is extraordinarily elusive. And the reason it is elusive, and the reason that animal fighting continues in this country to be a problem, is because Congress does not step forward to stop it.

The gentleman mentioned the problem, that it is a misdemeanor. So people do not want to deal with enforcement. That was a tactical decision that was made by the people who apologize for this interest. There are, make no mistake about it, lobbyists here for illegal game-fighting birds, for example, who ply their trade here behind closed doors in Congress, and who have successfully fought to keep the criminal provisions as low as they can so that they can use the excuse, when the issue comes forward, well, we really cannot enforce it because the penalty provisions are not strong enough.

It is time for us to say enough to illegal animal fighting for dogs and game birds. My distinguished friend from Ohio points out that there are opportunities to recover money if we were aggressive about it and to stop using the excuse that because we, Congress, refuse to increase the penalties, well, then, we are not going to mess with it. I would strongly suggest that we stop hiding behind this smoke screen and stop serving as an apologist for a despicable industry.

I look forward to working with my friend to increase the penalties. But in the meantime, approve this amendment and send a signal that we want what we have to be enforced.

Mr. TANCREDO. Mr. Chairman, I rise in support of the Blumenauer-Tancredo amendment. I am proud, once again, to join forces with my colleague from Oregon on this important issue. This amendment would provide $1,200,000 to the Office of Inspector General, the chief law enforcement arm of USDA, to focus on animal fighting cases, working closely with state and local law enforcement personnel to complement their efforts.

Last year we were successful in offering an amendment that secured $800,000 for the Office of Inspector General to combat animal fighting. This year, we are taking the funds that are already going to the Office of Inspector General and ensuring that $1.2 million goes into enforcing the law.

This is a small investment to avoid further very costly disease outbreaks spread by illegal cockfighters. According to a letter that Agriculture Secretary Ann Veneman sent on May 24th to the Appropriations Committee, "fighting birds have been implicated in the introduction and spread of exotic Newcastle disease in California in 2002–2003, which cost U.S. taxpayers nearly $200 million to eradicate, and cost to the U.S. poultry industry many millions more in lost export markets." Secretary Veneman also notes that illegal cockfighting poses risks of spreading other diseases such as avian influenza, which has the potential to directly harm people.

It's not a lot of money. It will help send a signal to those engaged in illegal dogfighting and cockfighting activities across state lines that there is some threat of federal prosecution. Given the USDA's history of non-enforcement in this area, we think it's important for Congress to take the opportunity to send a signal that we want their continued attention on this.

With your help last year, we were able to help the United States Department of Agriculture enforce the law. This year, we continue to ask you to help us give the USDA the tools they need to accomplish this goal.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $35,486,000.

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, $592,000.

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, $76,575,000.

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 and 2204g, and other laws, $128,661,000, of which up to $22,520,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

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, $1,057,029,000: *Provided*, 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: *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 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: *Provided further*, That all rights and title of the United States in the 1.0664-acre parcel of land including improvements, as recorded at Book 1320, Page 253, records of Larimer County, State of Colorado, shall be conveyed to the Board of Governors of the Colorado State University for the benefit of Colorado State University.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

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, $202,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $628,607,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $180,648,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,384,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State College (7 U.S.C. 3222), $37,000,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $88,194,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $15,756,000; for competitive research grants (7 U.S.C. 450i(b)), $180,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,098,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,196,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,111,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,087,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C.

3152(b)(6)), $4,500,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,500,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $998,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,645,000; for noncompetitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3242 (section 759 of Public Law 106–78) to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $2,997,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $1,000,000; for aquaculture grants (7 U.S.C. 3322), $4,000,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,722,000; 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 and West Virginia State College, $12,411,000, 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, $2,250,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $42,610,000.

None of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $12,000,000.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $440,349,000, as follows: 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, $277,242,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,909,000; payments for the pest management program under section 3(d) of the Act, $10,759,000; payments for the farm safety program under section 3(d) of the Act, $4,600,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State College, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,912,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,481,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $499,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,093,000; payments for Indian reservation agents under section 3(d) of the Smith-Lever Act, $1,996,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,000,000; 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 and West Virginia State College, $33,133,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; and for necessary expenses of Extension Activities, $16,452,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $66,255,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $43,242,000, including $12,971,000 for the water quality program, $14,967,000 for the food safety program, $4,531,000 for the regional pest management centers program, $4,889,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,497,000 for the crops affected by Food Quality Protection Act implementation, $2,498,000 for the methyl bromide transition program, and $1,889,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $1,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $2,500,000, to remain available until September 30, 2006 for the critical issues program, and $1,513,000 for the regional rural development centers program; and $18,000,000 for the homeland security program authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2006.

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), $5,935,000, to remain available until expended.

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; $721,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $808,823,000, of which $4,119,000 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; of which $47,000,000 shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *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 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 sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), 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.

In fiscal year 2005, 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.

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, $4,996,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out 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, $75,892,000, 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.

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

Not to exceed $64,459,000 (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 Committees on Appropriations of both Houses of Congress.

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 $15,800,000 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)), $1,347,000.

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, $37,540,000: *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 $42,463,000 (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 Committees on Appropriations of both Houses of Congress.

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, $595,000.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

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, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $824,746,000, of which no less than $746,010,000 shall be available for Federal food safety 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 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *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.

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, $631,000.

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, $1,007,597,000: *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.

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), $4,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided,* That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,600,000,000, of which $1,400,000,000 shall be for guaranteed loans and $200,000,000 shall be for direct loans; operating loans, $2,116,253,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans, $266,253,000 shall be for subsidized guaranteed loans and $650,000,000 shall be for direct loans; Indian tribe land acquisition loans, $2,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided,* That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

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, $18,120,000, of which $7,420,000 shall be for guaranteed loans, and $10,700,000 shall be for direct loans; operating loans, $139,783,000, of which $38,760,000 shall be for unsubsidized guaranteed loans, $35,438,000 shall be for subsidized guaranteed loans, and $65,585,000 shall be for direct loans; and Indian tribe land acquisition loans, $105,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $297,445,000, of which $289,445,000 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: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $72,044,000: *Provided,* That not to exceed $1,000 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 (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agriculture Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are related, either directly or indirectly, to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, 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 (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

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, $731,000.

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, $813,673,000, of which not less than $9,250,000 is for snow survey and water forecasting, and not less than $11,722,000 is for operation and establishment of the plant materials centers, and of which not less than $23,500,000 shall be for the grazing lands conservation initiative: *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 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 qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service: *Provided further,* That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

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 (16 U.S.C. 1001–1009), $11,083,000: *Provided,* That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED AND FLOOD PREVENTION OPERATIONS

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 (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, $86,487,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided,* That not to exceed $40,000,000 of this appropriation shall be available for technical assistance: *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 none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $30,091,000, to remain available until expended: *Provided,* That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)).

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 sections 31 and 32 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 subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $51,641,000, to remain available until expended: *Provided,* That none of the funds made available under this paragraph by this or any other appropriations Act may be used to provide technical assistance with respect to programs listed in section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)): *Provided further,* That the Secretary shall enter into a cooperative or contribution agreement with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further,* That not to exceed $3,504,300 shall be available for national headquarters activities.

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, $632,000.

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 and 381N of the Consolidated Farm and Rural Development Act, $667,408,000, to remain available until expended, of which $39,539,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $552,689,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $75,180,000 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, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That of the amount appropriated for rural community programs, $6,200,000 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, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further,* That of the amount appropriated for the Rural Community Development Initiative, not less than $200,000 shall be in the form of predevelopment planning grants, not to exceed $50,000 each, with the balance for low-interest revolving loans to be used for capital and other related expenses, and made available to nonprofit based community development organizations: *Provided further,* That such organizations should demonstrate experience in the administration of revolving loan programs and providing technical assistance to cooperatives: *Provided further,* That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further,* That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *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; $2,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.): *Provided further,* That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; not to exceed $17,500,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,513,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 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 $22,166,000 shall be available through June 30, 2005, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,081,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $12,582,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,503,000 shall be for the rural business and cooperative development programs described in section

381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the ''Rural Utilities Service, High Energy Costs Grants Account''.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $143,625,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *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 from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

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: $4,409,297,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,100,000,000 shall be for direct loans, and of which $3,309,297,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $116,063,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,501,000 for credit sales of acquired property, of which up to $1,501,000 may be for multi-family credit sales; and $10,000,000 for section 523 self-help housing land development loans.

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, $160,988,000, of which $127,380,000 shall be for direct loans, and of which $33,608,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,171,000; repair and rehabilitation of section 515 rental housing, $54,654,000; section 538 multi-family housing guaranteed loans, $3,490,000; multi-family credit sales of acquired property, $727,000: *Provided*, That of the total amount appropriated in this paragraph, $7,100,000 shall be available through June 30, 2005, 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, $448,889,000, 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, $592,000,000; 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 $20,000 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 four-year period: *Provided further*, That any unexpended balances remaining at the end of such four-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act.

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), $34,000,000 to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2005, 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, $42,500,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,800,000 shall be available through June 30, 2005, 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, $36,765,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $34,213,000.

For the cost of direct loans, $15,868,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2005, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2005, for the Delta Regional Authority (7 U.S.C. 1921 et seq.): *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 of the total amount appropriated, $2,447,000 shall be available through June 30, 2005, 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, $4,321,000 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, $25,003,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $4,698,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments in the current fiscal year, as authorized by section 313 of the Rural Electrification Act of 1936, $4,698,000 shall not be obligated and $4,698,000 are rescinded.

□ 1345

Mr. LAHOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4766, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4766 in the Committee of the Whole pursuant to House Resolution 710 the bill be considered as read and open for amendment at any point and no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 4, 5, 6, 8, and 12;

Amendments 7, 10, and 13, each of which shall be debatable for 20 minutes;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding Farmers Market Promotion Program, which shall be debatable for 20 minutes;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding

outsourcing, which shall be debatable for 20 minutes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PARLIAMENTARY INQUIRY

Mr. GOODLATTE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

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

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

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

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

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

□ 1350

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

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

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

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

RURAL COOPERATIVE DEVELOPMENT GRANTS

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

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITY GRANTS

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

RENEWABLE ENERGY PROGRAM

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

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

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

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

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

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

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

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

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

TITLE IV

DOMESTIC FOOD PROGRAMS

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

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

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $33,635,798,000, of which $3,000,000,000 to remain available through September 30, 2006, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), not to exceed $4,000,000 shall be used to purchase bison meat for the FDPIR from Native American bison producers: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

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

NUTRITION PROGRAMS ADMINISTRATION

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

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $137,722,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFER OF FUNDS)

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

PUBLIC LAW 480 TITLE II GRANTS

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

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

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

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

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $93,327,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $42,900,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 388 passenger motor vehicles, of which 388 shall be for replacement only, and for the hire of such vehicles.

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

SEC. 703. Funds appropriated by this Act shall be available for employment pursuant to the second sentence of section 706(a) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2225) and 5 U.S.C. 3109.

SEC. 704. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, boll weevil program, up to $12,000,000 in the low pathogen avian influenza program for indemnities, up to $33,197,000 in animal health monitoring and surveillance for the animal identification system, up to $3,000,000 in the emergency management systems program for the vaccine bank, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System (REEIS), and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 705. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 706. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b).

SEC. 707. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 708. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 709. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 25 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

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

SEC. 711. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to cover obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Telephone Bank program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 712. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 713. Of the funds made available by this Act, not more than $1,800,000 shall be

used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 714. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 715. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 716. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 717. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer.

SEC. 718. (a) Notwithstanding any other provision of law, none of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees.

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

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 719. With the exception of funds needed to administer and conduct oversight of grants awarded and obligations incurred in prior fiscal years, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621). Funds under section 401 for fiscal year 2005 are hereby cancelled.

SEC. 720. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2006 appropriations Act.

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

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

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

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

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender at the time of issuance a guarantee fee of less than 2 percent of the principal obligation of guaranteed single-family housing loans administered by the Rural Housing Service.

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

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

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

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

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

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

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

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

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

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

SEC. 736. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,010,000,000.

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

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

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

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

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

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

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

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

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

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

SEC. 746. None of the funds appropriated or otherwise made available by this, or any other Act, may be used to pay the salaries and expenses of personnel to carry out Subtitle H (the Rural Business Investment Program) of the Consolidated Farm and Rural Development Act, as amended by the Farm Security and Rural Investment Act of 2002 (Public Law 107–171).

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

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

SEC. 749. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 750. Notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of title 7, United States Code, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

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

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

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

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

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

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

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

SEC. 758. Section 502(h)(6)(C) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(C)) is amended by adding, '', plus the guarantee fee as authorized by subsection (h)(7)'' after the phrase, ''whichever is less'', in each of paragraphs (i) and (ii).

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

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

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

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

POINT OF ORDER

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

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

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

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

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

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

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

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

The Chair is prepared to rule.

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

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

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

POINT OF ORDER

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

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

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

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

The Chair is prepared to rule.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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

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

AMENDMENT OFFERED BY MS. HOOLEY OF OREGON

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

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 363]

AYES—260

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Calvert
Capps
Capuano
Cardin
Cardoza
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frost
Gallegly
Gerlach
Gonzalez
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hefley
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—160

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

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

NOT VOTING—13

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

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

□ 1415

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

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

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

□ 1437

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

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

[Roll No. 364]

AYES—223

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

NOES—197

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

NOT VOTING—13

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

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1445

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. MILLER of Florida, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R.

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

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

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

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

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

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

[Roll No. 365]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

DeFazio
Hinchey
Kucinich
McDermott
Stark
Udall (NM)

NOT VOTING—16

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

□ 1504

So the motion was agreed to.

The result of the vote was announced as above recorded.

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

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

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

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

There was no objection.

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

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

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

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

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4766.

□ 1504

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related

Agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from New York (Mr. WEINER) had been disposed of and the bill was open for amendment at any point.

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

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

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. LUCAS OF OKLAHOMA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

TITLE ____—ADDITIONAL GENERAL PROVISIONS

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

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

(2) by adding at the end the following:

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

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

''(B) SEPARATION OF GROUND AND SURFACE WATER CONSERVATION PROGRAM FROM THE ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—For purposes of subparagraph (A), the ground and surface water conservation program under section 1240I shall be considered to be a program separate and apart from the rest of the environmental quality incentives program under chapter 4 of subtitle D.

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

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

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

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

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

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

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

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

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

Consider for a moment that the Farmland Protection Program this year is $112 million. And WEP, the Wildlife Enhancements Program, is $60 million. Based on last year's number, the $100 million spent on technical assistance for CRP and WRP is more than the entire WEP program and almost as much as the entire Farmland Protection Program. I urge Members to support this amendment.

POINT OF ORDER

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

Mr. BONILLA. Yes, Mr. Chairman.

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

This amendment directly amends existing law.

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

I ask for a ruling from the Chair.

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

The Chair is prepared to rule.

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

AMENDMENT OFFERED BY MR. BROWN OF OHIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

□ 1515

AMENDMENT NO. 5 OFFERED BY MR. LUCAS OF OKLAHOMA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

TITLE ____—ADDITIONAL GENERAL PROVISIONS

SEC. ____. (a) None of the funds made available in this Act for the Environmental Quality Incentives Program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa–3839aa-9), the Wildlife Habitat Incentive Program authorized by section 1240N of such Act (16 U.S.C. 3839bb-1), the Grassland Reserve Program authorized by subchapter C of chapter 2 of such subtitle (16 U.S.C. 3838n–3838q), or the Farmland Protection Program authorized by subchapter B of such chapter 2 (16 U.S.C. 3838h–3838j) may be used to provide technical assistance under the Conservation Reserve Program authorized by subchapter B of chapter 1 of such subtitle (16 U.S.C. 3831–3835a) or under the Wetlands Reserve Program authorized by subchapter C of such chapter 1 (16 U.S.C. 3837–3837f).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO:

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

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

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

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

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

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

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

The amendment essentially says that none of the funds provided in the bill under the heading Food Stamp Program will be expended in contravention of 8 U.S.C. 1183(a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. TANCREDO. It does not.

□ 1530

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I felt that probably the best way of dealing with that, since we cannot do anything with bureaucrats that act this way, other than de-fund their positions, was to ask the chairman for some help and some guidance on how to deal with this particular situation; A, the treatment that my constituent received at this meeting, and particularly the problem that he is faced with right now, in having a letter saying you are approved and then a mysterious reversal of that.

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

DEPARTMENT OF HEALTH
& HUMAN SERVICES,
Rockville, MD, December 17, 1998.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The CHAIRMAN. Time of the gentleman has expired.

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. CHABOT:

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

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

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

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

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

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

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

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

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

Supporters, of course, will claim this so-called business and government partnership creates jobs. However, studies by the GAO indicate that this program has no discernible effect on U.S. agricultural exports. Further, it gives money to companies that would undertake this advertising without this unwarranted government subsidy.

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

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

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

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

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

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

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

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

I want to point out that there are many positive aspects of the Market Access Program. The fiscal year 2005 funding level on this program authorized by the farm bill will be $140 million from the Commodity Credit Corporation to help initiate and expand sales of U.S. ag products: fish and forest products overseas.

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

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

□ 1545

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. BONILLA. I thank the gentleman from California.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

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

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

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

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

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

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

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

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

Mr. SANDERS. I thank the chairman very much.

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

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

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

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

Some of the successes of Vermont's agritourism model include on-farm technical assistance in using the Internet and helping farmers get business through the Internet, setting up cooperative marketing with various commodity groups, the Chamber of Commerce and the Vermont Departments of Tourism and Agriculture. In addition, a regional marketing Web site was established that received over 40,000 hits in any average month. Vermont's agritourism initiative was highlighted by the travel book company Frommer's. In addition, the six New England States held an agritourism summit to coordinate their efforts in this area.

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

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, the irony here is enormous.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote "no" on the Flake amendment.

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

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

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

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

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

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

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

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

This ill-advised amendment would jeopardize that monumental agreement.

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to vote against the Flake Amendment.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, communities across my home state of Kentucky are dependent upon the income from the production and sale of tobacco. While the federal tobacco program has served our farmers well for generations, the changes brought about by direct contracting with manufacturers, litigation with the tobacco industry, and reductions in the tobacco quota have made a buyout option necessary. The reality of tobacco's decline, thousands of lost jobs and billions in lost economic activity in my state alone, extends well beyond the farm to affect virtually all of my constituents and their families.

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

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

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

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

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

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

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

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

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

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

Those of us who represent tobacco growing states have been working on a bipartisan basis for over two years to end the depression-era price support system. The quota system, governing the price and supply of tobacco, has not been overhauled since 1986. Since the late 1990's, burley tobacco quotas have been cut in half, causing significant financial loss for family farmers who currently earn less than half the amount they could have earned only five years ago. A tobacco quota buyout is the best option Congress can provide to protect their futures and ensure the prosperity of state and local economies.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1615

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, before yielding to the gentleman from Texas, I would just point out that if there is no money, why bother opposing this? This is an amendment that seeks to prohibit the expenditure of money. If no money is being expended, we need not worry in any other bills or here.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This is not an industry that is dying. If this money were going to the little farmers, that would be one thing. But if you look at the distribution, the way this money is going out, it goes to the big people, who also get a break in their taxes if they sell overseas. So what they are going to get out of this is cheaper production costs and cheaper taxes overseas.

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

Vote for the amendment.

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

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

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

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

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

□ 1630

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, when I think of a buyout, I think of the folks in the eighth and other districts like Ricky Carter, Junior Wilsa, and Ester Smith, for people who make a living with tobacco and support their families and put their children through college. If my colleagues support this amendment, they will take away my constituents' ability to continue to do this in the future.

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

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

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

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

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

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

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

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

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

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

Opposition to a tobacco buyout is opposition to the financial interests of the nation's tobacco farmers and our rural tobacco producing communities.

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

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

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

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

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

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

Our bill will save lives and curb youth smoking.

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

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

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

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

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

If not, the Chair will put the question.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. KAPTUR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. KAPTUR:

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

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

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

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

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

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

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

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

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

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

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

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

Here we have a chart, and this indicates who owes us the $4 billion. If we go back to the 1980s and 1990s, booked currently through, this is as of December of last year, it is very interesting who the American taxpayers are being asked to bail out. The Arab American Bank: they got $394,517,000 from the taxpayers of the United States, and now Iraq wants those debts forgiven. How about the Gulf International Bank. They get $907 million. They do not sound like a very poor institution to me. How about the National Bank of Kuwait. Why should our taxpayers give them $297,938? Why should we not get this money back?

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

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

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

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

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

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

At the subcommittee level, we offered a more restrictive amendment which did not receive broad support in the committee; and so we brought back another amendment that merely restates existing law. I would ask the Members to consider my amendment to make sure that we are protected, our taxpayers are protected, and based on the history with this country that the largest banks in the world not have their hands in the pockets of our taxpayers. So I would ask for support for the Kaptur amendment.

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

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

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

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

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

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

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

□ 1645

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2004.

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

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

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

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

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

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

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

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

Sincerely,

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

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2004.

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

This money was sent after the United States confirmed that Saddam Hussein had used chemical weapons against the Kurds and Iranians. For example, in November of 1983, the State Department confirmed that Iraq was using chemical weapons daily in attacks against the Iranians. At the same time, $413 million in agriculture loan guarantees were sent to Iraq. In 1984, despite Iraq's continued use of chemical weapons, the Reagan administration sent Iraq $513 million in agriculture loan guarantees.

These funds enabled Hussein to purchase more weapons and strengthened his grip on the Iraqi people. Oftentimes, this funding was sent only after top ranking officials such as James Baker and George Bush intervened over the objections of their subordinates. An example of this occurred on October 31, 1989 when Secretary of State Baker personally intervened with the Agriculture Secretary to get him to drop opposition to $1 billion in food credits for Iraq. The funds were subsequently sent.

These actions clearly were illegal and should never have been permitted.

Ms. KAPTUR's amendment simply restates the restrictions on CCC loans contained in current law, which were violated by previous administrations.

This is extremely prescient because many of the officials responsible for our Iraq policy when these violations occurred are back in power in George W. Bush's administration. They could probably use the reminder.

On March 16, 1988, Iraq used mustard gas and other nerve agents against the Kurds in Halabjah, Iraq, killing an estimated 5,000 people. This is an atrocity that is used by many, including the President and members of his cabinet, as justification for invading Iraq.

Yet, these same people in both the Reagan and the first Bush administrations worked to increase aid, cooperation, trade and intelligence-sharing with Iraq after the gassing occurred after these atrocities occurred.

Secretary of State Colin Powell was Ronald Reagan's National Security Adviser when the Kurds were gassed.

Deputy Secretary of Defense Paul Wolfowitz was Under Secretary of Defense for Policy from 1989 to 1993.

National Security Adviser Condoleezza Rice was a director on the National Security Council from 1989 to 1993.

Vice President DICK CHENEY was the Republican whip in the House in 1988 and the Secretary of Defense from 1989 until 1993.

Even Majority Leader TOM DELAY voted against legislation imposing sanctions on Iraq in September of 1988 in response to the Halabja tragedy.

As far as we know, not one of them opposed the massive aid and assistance the Reagan and Bush administrations sent after the Halabja bombing.

I urge the adoption of Representative KAPTUR's amendment to prevent a repeat of the abuse that occurred under the Reagan and Bush administrations.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

Mr. BONILLA. Mr. Chairman, I move to strike the last word and yield to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to enter into a colloquy with the gentleman from Texas (Mr. BONILLA).

I rise today on behalf of the gentleman from Nebraska (Mr. OSBORNE), the gentleman from Florida (Mr. BOYD), the gentleman from Tennessee (Mr. DAVIS) and the rest of the Congressional Rural Caucus to request that as you move forward with this appropriations bill and eventually go to a conference committee with the Senate you will work with the Rural Caucus to increase appropriations for both the value-added agricultural product market development grant program and the rural broadband loan program.

Since being authorized in the 2002 farm bill, the value-added grants program has been the engine that has driven many valuable projects and local entrepreneurs across the country. Unfortunately, this program has been funded well below the $40 million authorized level every year, resulting in lost opportunities for rural America.

Likewise, the recently created rural broadband loan program is quickly proving to be an invaluable tool to rural communities in connecting us to broadband technology.

Without access to this technology, rural communities will continue to struggle to become fully integrated into the new economy. We hope you will support these requests as you undergo the difficult task of guiding the fiscal year 2005 Agricultural, Rural Development and Related Agencies Appropriations Bill through this process. I know that you being from the Texas heartland are very sensitive to these rural issues, and I thank you for your leadership on these important issues.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I thank the gentleman for raising these two very important programs, value-added grants and rural broadband loans, which are so valuable to rural America, and I will work with the gentleman and the Rural Caucus as we move through this process. And I thank the gentleman for raising this issue.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

THE CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 59, line 4, insert after the dollar amount the following: ''(increased by $500,000)''.

Page 59, line 20, insert after the dollar amount the following: ''(decreased by $500,000)''.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment cuts $500,000 from the office of the Commissioner of the Food and Drug Administration and adds that money to the FDA's Center For Drug Evaluation and Research. It is my intention that the funds should be cut from the FDA's Office of General Counsel, which is housed in the Commissioner's office, and that those funds be added to the FDA's Division of Drug Marketing, Advertising and Communication, which is located in the Center for Drug Evaluation and Research.

The mission of the Food and Drug Administration is to ensure that the public is protected from unsafe food, drugs and medical products. The FDA's Chief Counsel, however, has taken the agency in a radical new direction, and in doing so has wasted taxpayer money on pursuits that are undermining FDA's basic mission.

For the first time in history, FDA's Chief Counsel is actively soliciting private industrial company lawyers to bring him cases in which FDA can intervene in support of drug and medical device manufacturers. The cases he is

seeking out are private, State, civil litigation cases. These are cases in which the court has not asked the FDA's opinion. These are cases involving drug companies and medical device manufacturers who are being sued by people who have been harmed by their products. This has never happened before, and according to the FDA, it has spent over 622 hours on these cases.

I have also uncovered what amounts to a pattern of collusion between the FDA and the drug companies and medical device manufacturers whom the FDA is defending in State courts. Here are three such cases:

One of Mr. Troy's clients, Chief Counsel for the FDA, Mr. Troy's clients at Wiley, Rein was Pfizer, which in the 3 years prior to his appointment in the FDA paid that firm $415,000 for services provided directly by Mr. Troy.

In July of 2002, Malcolm Wheeler, an attorney for Pfizer, called Mr. Troy, then FDA's Chief Counsel, and requested that FDA get involved in the private State lawsuit against Pfizer that was ongoing in California. Mr. Troy obliged, and in September, less than 2 months later, FDA through the Department of Justice filed a court brief in support of Pfizer.

That same July, Mr. Troy also had a meeting with Ms. Michele Corash from Morrison and Foerster. Morrison and Foerster, one of the world's largest firms, is based in California. At the time of this meeting, it was representing Glaxo Smith Kline in a private lawsuit in California that revolved around California's Proposition 65, or the Safe Drinking Water and Toxic Enforcement Act. Michelle Corash was the lead attorney in that case. On September 12, less than 2 months after that meeting, Mr. Troy's FDA filed a brief in support of Ms. Corash's client Glaxo Smith Kline.

This pattern continued in 2003. On December 12, 2003, FDA filed a statement of interest in the case of Murphree v. Pacesetter in support of the medical device manufacturer Pacesetter. The company was being sued in Tennessee State court for a faulty pacemaker. My office has obtained the letter to FDA dated November 5, 2003, from the law firm of Feldman, Gale and Weber directing FDA on how it should assist its case against the person whose Pacesetter did not work. The firm was representing the Pacesetter.

Another pursuit of FDA's Chief Counsel was his publishing in the Federal Register a notice questioning whether FDA's own regulations complied with the first amendment. This notice is troubling because it would surely be used against FDA in lawsuits.

Because of the unusual nature of this action, CRS looked for a precedent, and what it found was this: ''We were not able to uncover any similar instance where a Federal agency issued a notice seeking the type of public comment on a constitutional issue and regulatory issue such as this one which was sought out by Mr. Troy.''

After receiving 700 filings and spending 600 hours on this matter, the FDA decided to drop it, once again wasting taxpayer money.

But this amendment is about more than just an FDA office wasting money. FDA's Chief Counsel is taking actions to undermine FDA's ability to carry out its mission. He is shutting down avenues used to expose fraud in the drug industry. He is making it easier for drug companies to produce misleading advertisements.

Instead of spending taxpayer dollars to make it easier to defraud the public, the FDA should be protecting the public and its interests.

My amendment would add funds to FDA's Division of Drug Marketing, Advertising and Communication. This division, which consists now of only seven people, is responsible for reviewing the accuracy of prescription drug consumer-directed advertisements. Last year, these seven people reviewed 38,400 such ads. This is a 6 percent increase over the previous year.

However, despite the increase in ads reviewed, the number of enforcement letters sent by FDA to drug manufacturers for false and misleading advertisements dropped 75 percent. They are only doing 25 percent of the work that they did previously. It dropped 75 percent in 2003.

The reason for this drop was not the drug companies suddenly cleaned up their act. In fact, all public information indicates the contrary. The real reason is a conscious effort on the part of the FDA to weaken advertising regulations.

Shortly after the Bush administration took office, FDA's Chief Counsel instituted a policy that all advertising warning letters go through his office, the Office of Chief Counsel.

□ 1700

Prior to this, all letters were sent from the Division of Drug Marketing. So now that they go through the Office of Chief Counsel, we have had this 75 percent reduction in enforcement. This extra money would strengthen FDA's division for drug marketing's ability to identify misleading ads that it sends to the FDA's Chief Counsel's office. It is clear this division is overwhelmed and requires more assistance. I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment. I rise to say we do not have opposition to the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

At the end of the bill, add the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to pay the federal share of the administrative costs of any state's operation of the food stamp program that are performed outside the United States, except that the amounts otherwise provided by this Act are revised by increasing the amount made available under the heading ''Food Stamp Program'' by $6,500,000 for expenses under section 16 of the Food Stamp Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment prohibits the use of funds in this bill to pay for outsourcing food stamp call center jobs to foreign countries. We used to have amendments on these bills that were identified ''Buy American.'' Today I offer one to ''Hire an American.''

It would basically change the behavior of the U.S. Department of Agriculture and our respective States that receive food stamp dollars and in turn are outsourcing the call center jobs associated with food stamps to Mexico and to India and to other foreign countries.

The Richmond Times Dispatch reported in March that 38 States had been exporting our jobs since 2001. Since then we have learned from the Congressional Research Service that in fact 42 States have outsourced some part of their food stamp call center operations.

Think about that. The calls relate to food stamps for people inside the United States of America. Only Illinois, Iowa, Maine, Mississippi, Montana, Ohio, Texas, and Wyoming have their call centers exclusively inside the United States. Other States are beginning to look at this issue and take action, but this deserves national attention since these are dollars that fund the food stamp programs in all of our States.

It is also ironic that the biggest account in this entire bill is the food stamp program, ringing in at $33 billion being paid out to needy Americans. Given the complexity that some people face when trying to complete those applications or find out where there may be stores that accept electronic benefit technology, you would expect that our constituents would be able to reach someone in their own community or our States who might be better able to relate to the problems that they are facing in their own lives.

So we provide $33 billion for food stamps to all of our States, and that is

a program that has increased 46 percent in just the last 4 years.

Many banking companies have become the intermediaries that are administrating the food stamp program and end up putting those jobs in other countries. Would it not be better use of American taxpayer funds to try to hire unemployed individuals? In fact, some of those receiving food stamps who could get off these food stamps by having good jobs at these call centers.

Mr. BONILLA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I would like to inform the gentlewoman that we have reviewed this amendment and would be happy to accept the amendment if she would like.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman so very much for that.

I would be concluding my remarks and saying with all of our veterans returning home, many of them disabled now, this is an absolutely perfect opportunity to transition them into jobs with adequate training and why should we not be using tax dollars to help our own people get jobs right here at home. I thank the chairman very much for his consideration and for the membership. This is a great victory for the American people.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim time in opposition to the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Add at the end (before the short title), the following new section:

SEC. 7____. The amounts otherwise provided by this Act are revised by reducing the amount made available under title I for ''OFFICE OF THE CHIEF INFORMATION OFFICER'' and by increasing the amounts made available under title I for ''MARKETING SERVICES'' under the heading ''AGRICULTURAL MARKETING SERVICE'' (for the Farmers Market Promotion Program and administrative expenses related to such program), by $6,000,000 and $6,000,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the farm bill established for the first time the Farmers Market Promotion Program to expand and promote our farmers markets around the country, to help farmers increase their sales at roadside stands and community-supported farmers markets across this country.

My proposal would take $6 million from the Chief Information Officer's account and put it in this program. Though authorized by the farm bill, there were no funds appropriated to this account that were in the bill that cleared the subcommittee.

What this program does, it would give additional traction to farmers who are farming especially around our large urban areas to earn money from the market place rather than from subsidy programs. It is a direct-marketing program. None of the dollars in this measure go to buildings and so forth. And it is really aimed at those farmers that are trying to hang on and earn money from the market place.

The average age of farmers in our country is now about 58 years old. This is a very small amount of money coming out of a bill that is over $80 billion, but really it has so much effect. If you go up here just on the street on the Mall and you look at the farmers market that operates outside the U.S. Department of Agriculture, the roadside stands that exist in many of the communities in which we live, or I was talking to the gentlewoman from New York (Ms. VELÁZQUEZ) and on the Lower East Side of Manhattan this weekend, farmers were able to bring their product there and have a real opportunity to market in a very high-priced part of the United States where there is a lot of the poverty.

This program is aimed at expanding those types of efforts and connecting the farm to the town, helping our farmers move their diversified product. And many of these farmers are not on any subsidy program. They raise vegetables. They raise fruits. They process the product. They bring them to the farmers market. This would really help them to expand their ability to market.

So we just basically move funds inside the bill from the administrative account of the Chief Information Officer, and we put it over in the account that deals with this farmers market program that was established in the new farm bill.

When Secretary Veneman spoke at the opening of the USDA Farmers Market just a little more than 2 weeks ago, she talked about how farmers were gravitating to farmers markets and trying more sophisticated ways to market their products because of the difficulties that are being faced in the general market place itself as it becomes more difficult for small entrepreneurs, small business people to move their product to market. So we know that the need is great.

The 2002 Census of Agriculture showed a 37 percent increase just since 1997 in direct sales to consumers. And we know that the interest is there. We know our farmers need a lot of help in marketing. Most farmers, if you ask them what is the worst thing they do, they say it is market simply because they spend all their time growing, all their time picking and displaying, and it is hard for them to move product to market. This is something that will make a difference immediately.

It will also help farmers avoid the slotting fees that they have to pay if they are asked to show in a supermarket. They cannot afford $50,000 or $25,000 to put their product right on the shelf. It gives them an alternate direct-marketing opportunity.

I would ask the Members for their support of this very worthy program, to give life to the farmers marketing program that was authorized in the new farm bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman has already voted to zero out the agriculture buildings and facilities account. Cutting the CIO account would result in a direct loss of Federal jobs. The amendment for farmers markets would result in an increase of $5.2 million, or a 600 percent increase.

The minority views in this report highlight a lot of funding shortfalls; and we have been reviewing them, not just today, but since they have arrived when they were completed. Not one of the amendments that has been offered today attempts to put money in any of the programs that were highlighted in the minority views. In fact, this amendment adds money to a newly authorized program.

I oppose this amendment and I ask that all Members who care about this bill oppose it as well. This is, again, somewhat of a flailing to try to put money into this program when, again, we find it interesting that many of the views expressed by the minority on this bill, none of those were addressed but yet there is an attempt to put money into this program.

Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing today, I would just like to ask the Members of this House to think about the communities that they represent, how many farmers markets, how many potential farmers markets, how many roadside stands could be helped by additional marketing authority. We are not taking or creating any new money here. We are just moving money from an information account to a direct-market account for farmers to put income in their pockets through direct marketing of their own product, made and grown and harvested with their own hard labor. And I am always proud to stand up on behalf of the farmers of our country and try to help them find new ways to the market.

I would urge the membership to vote in favor of the Kaptur amendment for farmers markets across this country.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reiterate our strong opposition to this amendment and urge a ''no'' vote.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my friend, Representative KAPTUR's amendment, the Farmers' Market Promotion Program. This amendment would make grants to cooperatives, local governments, nonprofit corporations, and other groups that will increase the number of direct producer to consumer market opportunities.

This bill is a win-win all around. Farmers will have more markets for their goods. Consumers will have access to fresh-picked produced. And cities, towns, and hamlets—any area fortunate enough to have such a market at its core—will benefit from the economic ripples that will flow through their communities.

I have seen the boon these farmers' markets bring at first hand. For many years, the Rochester Public Market in my New York district has both benefited farmers in the adjacent counties while it has become a true gathering place for all our citizens. It's just the place to go—and with good reason. Who doesn't thrill when the first local tomatoes appear, or delight in the smell of fresh basil while buying just-picked corn that will go to the dinner table the same day? And that's just from the consumer's point of view. For our Monroe County farmers, it represents a fast and dependable way to move their goods to market productively without the otherwise inevitable middlemen.

In Buffalo, I have recently spearheaded a similar project on the East Side of the city, which is in dire need of economic stimulus such as this. In April, Congresswoman KAPTUR came to the announcement of a major overhaul of the country's oldest public market, which is now in need of revitalization—the Broadway Market. She, along with New York State Agriculture Market officials, Buffalo and Erie County officials, and agriculture leaders helped brainstorm ways we can return the Market to its former glory. We want it to become the finest farmer's market in the state—and after such a fine start, I'm sure it will. The farmers of Erie, Orleans, and Niagara Counties will reap the financial harvest.

This Farmer's Market Amendment would provide $6 million to help other communities initiate worthwhile projects like the Buffalo Market by providing the seed money necessary for them to blossom and grow. That is exactly what the Agriculture Appropriations bill should be doing across the country, and why I hope my colleagues will join me in a favorable vote.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the KAPTUR amendment to provide a modest $6 million in funding for the Farmers' Market Promotion Program. This program was established by the Farm Bill to make grants to cooperatives, nonprofits, local governments, economic development corporations and regional farmers' market authorities for projects to establish, expand, and promote farmers' markets, roadside stands, and community supported agriculture programs. Unfortunately, the program has never been funded.

At a time when we spend billions on programs that primarily assist large agribusinesses, Congress needs to reaffirm its commitment to help farmers most in need of assistance. This relatively small investment in the Farmers' Market Promotion Program will produce economic benefits to small farmers and local communities that far exceed the $6 million investment we are proposing in this amendment.

Farmers' markets are essential sources of income for thousands of small farmers. They provide farmers with direct access to consumers, and, in many instances, all of the small farmer's income comes from sales at farmers' markets. In a USDA survey of 772 farmers' markets, over 6,000 farmers said they sell their products only at farmers' markets.

Mr. Chairman, consumers also benefit from farmers' markets. Consumer demand for locally grown food produced by small farmers is on the rise. For safe, nutritious food, Americans place more trust in smaller scale farms. According to a recent national consumer survey, seven in ten Americans said smaller scale family farms are more likely than large farms to use techniques that won't hurt the environment.

Farmers' markets also help promote nutrition education, wholesome eating habits, and better food preparation, as well as boost the local community's economy. Many urban communities where fresh, nutritious foods are scarce gain easy access to quality foods at fair prices.

Consumers also have the opportunity to personally interact with the farmer who grows the produce. I enjoy spending Saturdays shopping at the farmers' markets in my district and interacting with the farmers. I know many of my colleagues have similar positive experiences at markets in their district.

The sights and smells of fresh produce, a conversation with a local farmer about the weather and growing techniques—these experiences make shopping at farmers' markets such a unique and enjoyable experience.

I urge my colleagues to support the Kaptur amendment to provide a modest but important investment in the Farmers' Market Promotion Program. Let's take this opportunity to help family farmers and consumers.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) will be postponed.

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Mr. BONILLA. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Chairman, I wonder if Members under the unanimous consent request had thought that their amendments were so important why they would not be here to offer them. It seems a little odd to me that when someone actually gets their amendment into the unanimous consent request because they think they have an important issue that is so earth-shaking or so dramatic or so important, and yet when the hour arrives for their amendment to be considered, they do not come and offer it, I wonder how important the amendment really is.

So I wonder if we ought to just consider having the committee rise and vote on the bill. That seems to be the appropriate thing to do.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I was simply trying to facilitate the committee's work in trying to reach agreement on language that the gentleman from Virginia on your side of the aisle indicated he wanted to see in this bill, but if the gentleman does not want to wait for us to do that then I would be happy to pass it by and move on.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I think, out of courtesy to the gentleman from Virginia earlier today, it would have been nice if the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies would have had the courtesy to recognize him when he was on the floor and could not get to the microphone. There was no consideration given to his ability when he had an important matter that he wanted considered, and out of courtesy that would have been nice to have been done.

If it had been done on the other side, if a Member on your side had been treated the way that the Member was treated on our side, I am sure there would have been many, many procedural votes today. But, apparently, the ranking member on the Committee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies did not have the courtesy or the common decency to allow the Member to have his say or the right just to have his say.

I guess that is the way it is, and we see from time to time when that courtesy is not extended to your Members, all you-know-what breaks loose around here.

Mr. BONILLA. Mr. Chairman, I thank the gentleman for his remarks.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say that I was informed that the gentleman from Virginia on your side of the aisle, that he was prevented from getting to the microphone by a Member of his own party. So I was not on the floor, I did not see what happened, but if the gentleman would prefer to resurrect old antagonisms rather

than to solve problems, I am perfectly happy to leave this mess exactly where it is.

Mr. LAHOOD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Illinois.

Mr. LAHOOD. Mr. Chairman, I know that the gentleman from Wisconsin is a very fair-minded person, and had he been on the floor and recognized what was done to the gentleman from Virginia I am sure he would have persuaded the ranking member to owe him the courtesy to give him a chance to speak.

AMENDMENT NO. 12 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. TIAHRT:

Add at the end (before the short title) the following new section:

SEC. 7____. None of the funds made available by this Act may be used to pay for the official travel of employees of the Department of Agriculture whose station of duty is at the Washington D.C. headquarters of the Department until the Secretary of Agriculture certifies to Congress that the Secretary has implemented a voluntary program under which beef slaughtering establishments may acquire and use rapid screen testing kits to test beef carcasses for the presence of bovine spongiform encephalopathy.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed will each control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

My amendment would restrict travel funds for USDA employees who are working in Washington, D.C., until the Secretary of Agriculture implements a voluntary program for beef slaughtering establishments to screen for BSE, bovine spongiform encephalopathy, mad cow disease as it is commonly known.

Right now, America has the safest beef in the world, and a lot of it comes from the great State of Kansas, but this is not about food safety. This is about trying to meet the demands of customers.

Creekstone Farms Premium Beef is a small packing company in Arkansas City. At that location, they employ about 750 workers who have been reduced from 5-day work weeks to 4 days because we have failed to open up markets in Japan and South Korea. The reason that has happened is because they have demanded in those markets that we have some kind of 100 percent screening. The USDA has not allowed this to occur. It is my personal view that USDA should be in the business of setting minimum standards and not maximum standards, but because of this ban, America has lost in exports to Japan and South Korea nearly $1 billion worth of exports.

According to the USDA, that number is approximately $959 billion over the last 6 months. Over the year, it will be close to $1.5 billion, maybe $2 billion.

I just want the floor to know, Mr. Chairman, that we need to allow American processors to have the flexibility to meet the demands customers are bringing to them.

In Japan, they already have their beef labeled as BSE tested. That is all we are asking for here, is to allow that screening to go on and for it to occur. The cost would be about $15 per head. We have already lost in exports enough to test the entire 35,000 cattle that are processed every year in America, but because we have not been able to do that, we are looking at a loss of exports, plus loss of jobs here in America.

The amount of beef that is being sold in Japan and South Korea continues, but it is being supplied by Australian and New Zealand suppliers instead of American suppliers. So what we are trying to do is open up these markets back again for American beef processors.

I also want to make a point, Mr. Chairman, that in the past, during the free market system, we have said that the customer's demands ought to be met, the customer is always right, but currently we are not seeing that allowed because of inaction by USDA.

We know that in California that auto manufacturers meet unique safety and environmental standards, and they gladly put a little higher price tag for that, but currently we are not allowing American beef processors to put a little added extra safety in and charge a little more for it for those customers who want it.

So I have this amendment that would restrict travel for headquarters Washington USDA employees until a voluntary program is allowed to move forward. This is a very simple amendment. It does not go into a great deal of detail, but it makes a very strong point that we need to allow our processors to meet the demand of their customers.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Texas insist on his point of order?

Mr. BONILLA. Mr. Chairman, I will make a point of order, but I do want to point out that the gentleman raises a very important issue. It is just that it does not fit in this particular part of the bill.

I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriation bill shall not be in order if changing existing law. The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. TIAHRT. Mr. Chairman, I do realize that I am moving towards an authorization-type language on an appropriations bill, but I thought the issue was important enough that it should be brought to the floor of the House and that I should ask for a vote on it.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new duty, and the amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MALONEY:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 759. None of the funds made available in this Act may be used to restrict to prescription use a contraceptive that is determined to be safe and effective for use without the supervision of a practitioner licensed by law to administer prescription drugs under section 503(b) of the Federal Food, Drug, and Cosmetic Act.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment would simply require the FDA to do the job that they are supposed to be doing. If the FDA finds the drug to be safe and effective for over-the-counter use, then the FDA cannot withhold the drug from over-the-counter status for nonstatutory reasons.

Americans rely on the Food and Drug Administration to make scientific, evidence-based decisions that are in the best interests of the American public and that will help improve our health. The majority of the time this is exactly what happens. Unfortunately, a recent FDA decision on whether to grant over-the-counter status for Plan B, an emergency contraceptive pill, went against the advice of the independent, expert advisory committee and the advice of FDA staff. The decision was not science-based and was not made in the best interests of American women. Instead, it was a decision influenced by inappropriate political and ideological considerations.

The Maloney-Waxman amendment would basically say that the FDA would have to rely on science in making these decisions, and in this amendment we are with the world community. Thirty-three nations have approved the sale of emergency contraceptives for over-the-counter use, and five States in the United States have also approved it.

The American Medical Association, the American College of Gynecologists and over 70 medical and public health groups have endorsed making emergency contraceptives available for over-the-counter because they believe that they are proven to be safe to use without any medical supervision.

I would place in the RECORD 10 editorials from newspapers across the country stating that science should be the basis for making medical decisions at the FDA, not politics.

[From washingtonpost.com, May 11, 2004]

NEW PLANS

At first glance, the news that the Food and Drug Administration had decided to reject over-the-counter sales of the emergency contraceptive Plan B seemed dramatic. As we pointed out earlier this year, the science around this drug is not controversial. In several international studies, the drug has been shown to be safe and effective if taken within 72 hours of intercourse—hence the request of its manufacturer, Barr Laboratories, to make it available over the counter. The FDA's own scientific advisory panel unanimously approved the request, and such a move would be popular. Most of the time, Plan B acts like a birth control pill, preventing ovulation and therefore conception: The greater use of Plan B therefore means fewer abortions.

But because Plan B may also prevent fertilized eggs from being implanted in a uterus, it has attracted negative political attention. Some of the drug's political opponents, those who equate a fertilized egg with a fetus, have called it an ''abortion pill'' and have lobbied the FDA hard to restrict it. Both state and national legislators have spoken out against the drug, partly on those grounds and partly out of concern for its impact on underage sex, leading many to fear that the FDA would make a political rather than a scientific decision.

In fact, though the FDA has banned the drug from over-the-counter use, it left open a window for future approval. ''We weren't closing the door,'' said Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research. Indeed, if the FDA ruling is taken at face value, the only thing required of Barr is that it either conduct more studies of the drug's impact on younger women or come up with a plan to ensure that the drug is available only by prescription to girls younger than 16: According to Dr. Galson, the FDA was bothered by the paucity of data describing the impact of the drug on girls ages 14 to 16 and the absence of data on girls younger than that, some of whom might presumably try to buy the drug. The company says it is ''months, rather than years'' away from providing precisely such information.

The FDA is within its rights to remain cautious about a controversial drug. But if the agency wants to preserve its reputation for making decisions based on sound science, it will stick to this proposal and grant Barr the license to sell the drug as soon as the information or a suitable plan becomes available. At this point, the FDA should be given the benefit of the doubt—but not indefinitely.

[From the New York Times, May 9, 2004]

THE PRESIDENT AND WOMEN

The arrival of an over-the-counter morning-after pill in American drugstores has been delayed by a disappointing, politically motivated decision by the Food and Drug Administration. Wider availability of the pill would make it easier to avert unwanted pregnancies and reduce the rate of abortions. But once again, the Bush administration seems determined to make things difficult for women in America. It's ironic, since President Bush has included more women in his innermost circle of advisers than any prior chief executive. Condoleezza Rice, the administration's most prominent female presence, has presided as national security adviser while a wholesale assault has taken place on the reproductive rights and health of poor women overseas. That assault began on President Bush's first full day in office with his reimposition of the Reagan-era global ''gag rule,'' badly hampering international family planning and the fight against sexually transmitted diseases. On the domestic side, where Karen Hughes, Mr. Bush's former communications director, is still one of the most powerful forces, the record is equally dim. A new report by the National Council for Research on Women documents many small but important steps to manipulate information to the detriment of women and trust. Ms. Hughes herself made news in one recent interview when she appeared to suggest a parallel between supporters of abortion rights and terrorists. Asked on CNN whether abortion would be an election issue, Ms. Hughes said that she sensed that ''after September 11th the American people are valuing life more and realizing that we need policies to value the dignity and worth of every life.'' Driving home that connection, she added that ''the fundamental difference between us and the terror network we fight is that we value every life.''

That interview occurred as an estimated one million people were gathering peacefully in Washington to protest the administration's dismal record on reproductive freedom, medical privacy and other issues vital to women. The turnout did not deter the administration from stopping the progress of the morning-after pill, which can reduce the chance of pregnancy if taken within 72 hours after intercourse. Some social conservatives have claimed that the pill might encourage teenage promiscuity—an argument that appears to have influenced the FDA more than the agency's own expert panel, which voted 23 to 4 to make the pill available over the counter, or the support of more than 70 medical and public health organizations.

In its decision, the FDA said the pills could not be made available without a prescription until the manufacturer figures out a way to keep young girls from obtaining them, or provided additional evidence that teenagers 16 and under could understand the directions for their use. These barriers seem artificially high. There are many over-the-counter drugs that could be harmful if used in the wrong way, but were not prevented from coming to market by speculative concerns about how they might be abused by young consumers.

We appreciate Mr. Bush's willingness to create an administration with strong women. We just wish that translated into an administration that was strong on women's issues.

[From the St. Louis Post-Dispatch, May 11, 2004]

PLAN B. STALL

What if, instead of approving the new generation of cholesterol-lowering drugs, the government turned them down for fear they would encourage people to continue overeating? Last week, the Food and Drug Administration used precisely that sort of tortured logic in rejecting Barr Pharmaceutical's application to sell the so-called morning-after pill without a doctor's prescription. The high-dose birth control pill, sold under the name Plan B, can prevent pregnancy if taken within 72 hours of unprotected sex.

The FDA's Dr. Steven Galson said the company had failed to provide documentation about the drug's safety for girls 16 or younger. Dr. Galson also said that making Plan B more widely available would encourage teenagers to have unprotected sex. The question isn't whether 16-year-olds should be having sex. Of course they shouldn't; it's emotionally and physically dangerous. The question is what to do when bad judgment overwhelms good intentions. And—as teen pregnancy and sexually transmitted disease rates show with depressing clarity—that happens regularly in all age groups. Keeping Plan B from being sold over the counter won't change that. But it could give women of all ages a prompt, private and less physically and psychologically stressful option to abortion.

In December, an FDA advisory panel overwhelmingly recommended making Plan B available without a prescription. More than 70 leading medical and public health groups have endorsed that conclusion. So did the FDA staff members responsible for reviewing the findings. It's all but unheard of for the FDA to reject the conclusions of both its advisory panel and review staff.

Making Plan B more widely available would have alienated the president's conservative political base. It may be that this decision is just an election year stalling tactic. Perhaps after the election, the FDA leadership will see fit to reverse its irrational decision. In any case, it demonstrates—yet again—in what low regard the Bush administration holds women's health and reproductive freedom.

This is not the first time political considerations have trumped science in the Bush administration. Once again, it clearly shows that it is impossible to create good public health policy by subverting science for political ends.

[From Newsday, May 11, 2004]

MORNING-AFTER PILL: POLITICS STALL 'PLAN B'

The U.S. Food and Drug Administration's rejection of a bid to sell an emergency contraceptive, the so-called morning-after pill, over the counter, smacks of politics trumping science.

The application by Barr Pharmaceuticals Inc. to sell its ''Plan B'' without a prescription was ''not approvable,'' according to the FDA, because Barr hadn't adequately documented whether consumers under age 16 could use it safely without a physician's advice. Officials said they did not bow to political pressures in making the decision.

But emergency contraception is already available without prescription in six states and 33 other countries. Despite that record, Dr. Steven Galson, acting director of the FDA's Center for Drug Evaluation and Research, overruled both his staff and an advisory panel of outside medical experts when he blocked over-the-counter sales. That's highly unusual, if not unprecedented.

Morning-after pills contain hormones used in standard birth control pills. Taken within 72 hours of unprotected intercourse, Barr says its ''Plan B'' reduces the risk of pregnancy by 89 percent. But it's most effective within 24 hours of intercourse, so waiting to see a doctor could pose a problem.

The FDA gave Barr two options: Provide data showing that adolescents understand how to use the pills, what they're for and the appropriate dose; or draft labeling for over-the-counter sales to women over 16 and prescription sales for those under 16. Company officials say over-the-counter availability will be delayed at least a year.

President George W. Bush has chipped away at abortion rights and imposed restrictions on U.S. funding for international family planning. Going against scientific advice to block over-the-counter sales of the morning-after pill fits the pattern.

[From the Boston Globe, May 11, 2004]

MORNING-AFTER ROADBLOCK

Rejecting the overwhelming opinion of its own panel of experts, an official of the Food and Drug Administration last week blocked a bid by a drug company to make its morning-after contraceptive available over the counter. This politically driven decision will almost certainly result in more unintended pregnancies and more abortions.

Barr Laboratories' Plan B, which contains high doses of one of the hormones in birth-control pills, prevents 89 percent of pregnancies if taken within 72 hours of intercourse. According to the company, it does so by interfering with ovulation or preventing fertilization. Some research has suggested that in some cases it might keep a fertilized egg from implanting in a woman's uterus. This has led many abortion opponents to oppose Plan B. Social conservatives also criticize it for, in their opinion, encouraging promiscuity.

While advocates of reproductive choice acknowledge that morning-after pills do not provide the protection condoms do against sexually transmitted diseases, they support easier access to Plan B.

Late last year, Barr's request for approval of over-the-counter sales of Plan B, which is now available by prescription, was supported 23–4 by the FDA's expert panel. Over-the-counter sales have also been backed by the FDA's own staff, by the American College of Obstetricians and Gynecologists, and other physicians' organizations. Plan B has been available in several states through pharmacists who have agreements with physicians. Normally the FDA follows the guidance of its advisory panels and staff, especially when there is a consensus. The official who disapproved over-the-counter sales, Steven Galson, acting director of the FDA's Center for Drug Evaluation, denied he made the decision for political reasons. He told Barr he disapproved the request because only 29 of the 585 women studied by the company were under age 16—too small a sample, in his opinion, to prove its safety with teenagers.

Galson has said he was concerned that easy availability of Plan B might make young women more likely to have sex without condoms, exposing themselves and their partners to diseases. Often in cases in which research provided by a drug maker is deemed by the FDA to be inadequate, the agency tells the firm its drug is ''approvable'' if it takes further steps. Galson, instead, chose to call Barr's plan ''not approvable,'' which left no doubt about his position to the Bush administration's supporters among social conservatives.

In January, 60 of the nation's leading scientists criticized the Bush administration for systematically suppressing or misrepresenting science in making decisions. The Union of Concerned Scientists issued a report detailing such politicization of science. The White House denied the charge. By its action on Plan B, the administration has given the scientists new evidence to back their accusation.

[From the Philadelphia Inquirer, May 11, 2004]

PLAN B SCRAPPED; FACTS LOSE OUT, AGAIN

A main job of the Food and Drug Administration is to weigh the safety and reliability of drugs used by Americans, based on scientific evidence.

The agency's regrettable decision last week to deny over-the-counter status for emergency contraception pills smacks primarily of politics, not science.

The facts favor the opposite decision.

In an overwhelming vote last December, two FDA advisory panels declared that emergency contraception is safe and that these two-dose, birth-control pills should be readily available to women and adolescents desperate to prevent pregnancy after unprotected sex. The American Academy of Pediatrics, the American College of Obstetricians and Gynecologists and the American Public Health Association all agreed.

The FDA seemed poised to accept the recommendations of its expert advisers—something the agency almost always does.

Buth then politics and religion intervened. Last January, 49 Republican members of Congress sent a letter to President Bush voicing concerns that over-the-counter emergency contraception—or EC as it is known—might make adolescents more promiscuous. Leading the anti-EC charge was Concerned Women for America—an organization uncomfortable with all forms of birth control pills.

Suddenly, the FDA said it needed a 90-day delay before making its EC decision and asked the EC producer, Barr Laboratories, to respond to many of the questions posed by members of Congress.

Then last week came the FDA's wrong decision: No over-the-counter status for EC—unless Barr could prove easy access to the drug was safe for adolescents under 16.

Yes, it definitely would be better if there were more data describing likely use among teens. And there is no dismissing the concerns of parents who worry about their young daughters being able to buy EC pills off the shelf.

But studies should allay those fears. They have shown women and teens who have access to EC aren't more likely to engage in unprotected sex or less likely to use disease-preventing condoms. And there is no data to suggest that availability of EC would encourage very young teens, 14 and younger, to have sex. Even with readily available condoms, the sexual activity rate in the young crowd remains, thankfully, low.

The real danger lies in denying women and older teens ready access to EC. To be effective, Barr's EC pill product—called Plan B—must be taken within 72 hours of unprotected sex to prevent unwanted pregnancy. Imagine the hurdles faced by a 30-year-old woman who must see a doctor and secure an EC prescription in that time frame. Now imagine a 16-year-old girl—perhaps the victim of date rape—trying to do that.

In its rejection letter, the FDA asked Barr to consider allowing Plan B to be offered over the counter to those 16 and older; younger teens would need a prescription.

Barr officials seem willing to consider this restriction—if that's the only way to get EC to a wider number of women. Commendably, the company seems prepared to submit another application to the FDA.

If the FDA continues to block easy access to EC—now sold over the counter in 33 countries—it will be another example of the Bush administration ignoring a scientific consensus that conflicts with its political agenda.

Bush has restricted contraception funding overseas, has attempted to deny contraception coverage for federal employees, has pumped money into abstinence-only sex education programs that deny contraceptive information to young people.

Is it any wonder, then, that an FDA under his watch has denied women easy access to a safe and very needed drug?

[From the Houston Chronicle, May 10, 2004]

THE MORNING AFTER/FDA CONTRIVED EXCUSE TO DENY WOMEN CONTRACEPTION

Last week, Food and Drug Administration officials decided to reject over-the-counter sales of emergency contraception medication known as morning-after pills. Their rejection represents a missed opportunity to reduce unwanted pregnancies and abortions. Worse still, the officials contrived a ludicrous argument on which to base their decision.

Basically, the regulatory agency told women they could not have convenient access to this proven, safe and reliable method of preventing unwanted pregnancy because minor girls might not be able to figure out how to use it.

In denying Barr Pharmaceuticals' application to sell its product in drugstores, the FDA ignored the recommendation of its own advisory panel of physicians, who overwhelmingly agreed last December that women could safely use the drug, Plan B, to avoid pregnancy without a doctor's supervision.

To get approval to sell the medicine without a prescription, Barr now will have to come up with a way to prevent juveniles under 16 from buying it or conduct new studies to show that they can use it safely on their own.

The FDA's position showed the agency is more inclined to bend to political pressure than to meet women's health needs. Regulators bowed to pressure from President Bush's re-election campaign and abortion opponents, who falsely liken Plan B to abortion. Other moralists worry needlessly that, despite the dearth of evidence, access to morning-after pills will promote unsafe sex and promiscuity.

In the first case, emergency contraception does not cause the abortion of a fetus; taken up to 72 hours after unprotected intercourse, it prevents the implantation of a fertilized egg in the womb or disrupts ovulation to prevent fertilization. It holds the potential to reduce the number of abortions sought because women got pregnant as a result of rape, birth control failure or simple unprotected sex.

In the second case, the United States is saturated with sexual come-ons. They are a staple of advertising, movies, television, magazines, novels, billboards, adult book stores and videos, the Internet, sports halftime shows and telephone chat services. Respectable women hold sex toy parties the way housewives of the last century got their girlfriends together to buy plastic containers. Easy access to the morning-after pill as an inducement to promiscuity would be bringing coals to Newcastle.

Incidentally, cigarettes are widely available in stores in spite of being—in contrast to safe and effective morning-after pills—addictive, carcinogenic and without any healthful function. It is illegal to sell cigarettes to anyone under 18.

Couldn't morning-after pills be safely sold to women 18 and over, preventing countless unwanted pregnancies and abortions?

[From the Seattle-Post-Intelligencer, May 10, 2004]

WRONG TO LIMIT CONTRACEPTION PILL

Women deserve easy access to emergency contraception pills. The Food and Drug Administration has chosen to be an obstacle to

preventing pregnancies and reducing abortions.

Politics rules. The Bush administration talks about science, but acts on pseudoscience. In refusing to allow emergency contraceptives to be sold over the counter, the FDA rejected the overwhelming recommendation of its own scientific advisory panel. The panel said tests, which included girls under 16, had shown women can use the so-called morning-after pills safely and effectively without a doctor's prescription.

Pressured by President Bush's conservative supporters, however, the FDA decided that not enough testing had been done on young girls. The FDA professed concern about putting a strong medicine on shelves within adolescents' reach. Has the agency missed that kids can already buy off-the-shelf medications, ranging from aspirin to Zantac? Of course not.

The United States might benefit from Washington state's system of making emergency contraception available without a prescription but with counseling by a pharmacist. It generally works well, although implementing it nationally certainty would run risk that pharmacists might withhold the pills in isolated areas.

The pill's maker, Barr Pharmaceuticals, says it can overcome FDS concerns, possibly within months. We hope so. Women deserve help from medical science, not politically induced evasions.

P–I OPINION The American Academy of Pediatrics supported making emergency contraception available over the counter. Federal bureaucrats decided they knew better.

[From the Los Angeles Times, May 8, 2004]

POLITICS OF CONTRACEPTION

More than 70 of the nation's leading medical and public health groups backed a proposal to let women buy emergency contraception without a prescription.

The U.S. Food and Drug Administration's own advisory panel, after reviewing 40 studies and 15,000 pages of data, overwhelming recommended over-the-counter status for the so-called morning-after pill.

Use of this pill would cut the number of abortions in this country—a goal President Bush ardently embraces—and millions of women who have used it by prescription since 1999 have found this drug to be safe and effective in blocking unwanted pregnancies.

And yet it's an election year, and many of Bush's supporters insist that broader availability of the pill would encourage promiscuity and unsafe sex.

So when FDA leaders overruled their own scientific advisors to reject over-the-counter sales Thursday, politics once again trumped science, despite their avowals to the contrary. The decision echoes this administration's big-footing of scientific evidence of stem cell research and environmentally safe levels of mercury and arsenic.

The agency has, however, left open a path that would let women eventually obtain this drug more easily—after the November election—and the pill's maker should pursue that opportunity.

In a letter to manufacturer Barr Laboratories, the FDA said the company had failed to prove that girls younger than 16 could safely use the drug, which it markets as Plan B, without guidance from a doctor or nurse. Until Barr can satisfy the agency that Plan B is safe for teenagers or present a plan for over-the-counter sales to older women and more restricted sales to 14- to 16-year-olds, the FDA has blocked all over-the-counter sales.

Barr says it will pursue these options, but even if it acts quickly, approval probably won't come for a year, long after November's votes are counted.

Emergency contraceptives contain a concentrated dose of the hormones found in birth control pills. Taken within 72 hours of unprotected sex, the pill prevents pregnancy by delaying ovulation, blocking fertilization and inhibiting uterine implantation. But the drug is more effective if it is taken within 24 hours rather than 72 hours.

That's why California and four other states permit pharmacists to dispense it without a prescription if women ask.

But surveys show that few pharmacies in California stock the pill and few women know to ask for it. Over-the-counter sales would give far more women access to this drug, especially on holidays and weekends. For now, however, FDA leaders have left a lot of women in a difficult, and unnecessary, spot.

Mrs. MALONEY. I am sure that the majority of this body agrees, like the expert panel and the FDA staff, that American women deserve the most safe and effective contraceptives available. Supporting this amendment is a vote in support of healthy women and evidence-based science.

A perfect example of inserting politics into science is the recent decision by the FDA to deny over-the-counter status to Plan B or the morning after pill. On December 16, 2003, a joint panel of the FDA's Reproductive Health Drugs Advisory Committee and Nonprescription Drugs Advisory Committee voted 28 to 0 that Plan B could be safely sold as an over-the-counter medication. It then voted 23 to 4 to recommend that the FDA approve the application to make Plan B available over the counter. Yet on May 6, 2004, the FDA rejected over-the-counter status for Plan B.

The Washington Post, dated June 18, 2004, reported that a top agency scientist dismissed the reasoning that was used to justify the rejection as unfounded.

Officials at FDA wrote that Acting Center Director Stephen Galson was introducing a different standard for evaluating Plan B than the FDA had applied to other contraceptives.

Politics and ideology have been allowed to influence science, endangering the reputation of the FDA and having a direct and irreversible effect on the health and well-being of thousands of women.

The Maloney-Waxman amendment ensures that the FDA will not deprive American women of safe and effective contraceptives on ideological grounds. Accepting the Maloney-Waxman amendment is a vote in favor of safe and effective contraceptives for American women, a vote in favor of scientific, evidence-based science. A vote in favor of this amendment requires the FDA to spend money on doing their job and making decisions based on science, not politics, and I am very grateful that the majority is considering accepting this amendment.

□ 1730

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim the time in opposition, but I am not opposed to the bill.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. BONILLA) is recognized for 10 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my understanding is that this amendment just says that if FDA determines a product is safe and effective for over-the-counter use, it should approve the application.

I do not know why we should single out any particular product. Every product should have to meet a set standards to be sold without a prescription. But that is current law, and I do not object to the gentlewoman's amendment, based on the wording and what the amendment actually says.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank the gentleman for yielding me this time.

First, I want to thank my friend for clarifying that the pending amendment is simply a restatement of current law. I appreciate the fact that he has made that very clear.

I want to make a point so that we are also clear about the FDA's decision concerning Plan B. Dr. Stephen Galson, the acting director for FDA's Center For Drug Evaluation and Research, stated in a letter that based on science and safety concerns, Plan B will not be sold over-the-counter and this is his quote: ''Based on the review of the data, we have concluded that you (Barr Research Inc) have not provided adequate data to support a conclusion that Plan B can be used safely for young adolescent women.''

He also goes on to point out that ''only 29 of the 585 subjects enrolled in the study were 14 to 16 years of age, and none were under the age of 14.'' So based on science and safety concerns, the recommendation was made that Plan B should not be approved for over-the-counter sales.

So this restatement of current law does not add nor detract from things as they are.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman for his comments.

Mr. CROWLEY. Mr. Chairman, I rise in support of this amendment.

Earlier this year, the FDA denied an application to approve an emergency contraceptive, Plan B, for over-the-counter use. Yet the evidence suggests the FDA made the wrong decision. EC can reduce the risk of pregnancy by as much as 89 percent, which—in turn—reduces the number of abortions.

It is estimated that greater use of EC could halve the number of unintended pregnancies. EC does not cause abortion.

One of the goals of Healthy People 2010, a publication from the Office of the Surgeon General, is to increase the proportion of health care providers who provide EC to their patients.

The American Medical Association and American College of Obstetricians and Gynecologists endorse greater access to EC, even

to the point of having dedicated emergency contraceptive products available without a prescription. Moreover, the FDA's own expert advisory panel reviewed the evidence and found Plan B to be effective and safe. The expert panel found Plan B to meet the requirements to receive over-the-counter status.

So why are we here discussing this? Because this past spring the FDA put politics above sound policy. Karl Rove and his right wing agenda won again and the people who are going to suffer are the women of my district and the women throughout this country. By not approving the sale of emergency contraception, marketed as Plan B over the counter, countless women may find themselves struggling to adapt to unplanned pregnancies.

The New York Times recently highlighted a young woman from the Bronx who is facing many of the issues that people in Washington like to talk about.

Jasmine, born in the Bronx, is struggling to understand reproductive health issues in the context of her high school, her boyfriend, her family, and her life. The story goes on to describe very real efforts to make a relationship work with her boyfriend Alberto.

Information is not always easy to come by. And good intentions are not always sufficient. But this young woman does not need rhetoric as she tried to navigate complex relationships, work, school, and her own health. She needs information and access to things like emergency contraception. Girls and women like her often find themselves torn between two choices—to have a baby, or to have an abortion.

Why not provide them with another choice—the choice to use Emergency Contraception, available over the counter at local drug stores, to prevent the pregnancy in the first place.

We have seen how in New York City alone, the availability of birth control and counseling at local high schools and targeted to young women has dramatically reduced the number of women having unintended pregnancies.

Why is the FDA holding up something that makes common sense, something that any woman in America can use by calling their physician? This isn't about making emergency contraception legal, it already is. This is about making emergency contraception available.

I urge an vote for the women of America. I urge an ''aye'' vote on the Maloney/Waxman amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Waxman/Maloney amendment. I am here today to speak on behalf of women's health and the integrity of the American regulatory process.

As a nation, we rely on the FDA to make decisions based on clear scientific evidence that have the best interests of the community in mind. Unfortunately, recently, the FDA's decision not to allow Emergency Contraceptive Pills, Plan B, to be available over the counter went against the opinion of the independent expert panel and FDA staff. Additionally, over 70 organizations including the American Medical Association and the American College of Obstetricians and Gynecologists support over-the-counter access to Emergency Contraceptive Pills. We must reassure the American People, that the FDA's decisions are based in scientific evidence and made with their best interests in mind. American women must be able to trust the FDA to make the best decisions possible with respect to their health.

Emergency Contraceptive Pills, Plan B, are too often associated with abortion. These pills do not abort a fetus. They prevent a pregnancy from occurring in exactly the same way as other methods of birth control do and are 95 percent effective if taken within 24 hours. Physicians and other experts have indicated, in fact, that the availability of these pills over the counter would lead to a 50 percent decrease in abortion and unintended pregnancies. This could lead to 800,000 fewer abortions and 1.7 million fewer unintended pregnancies. This medicine could lead to a decrease in teen pregnancy. In Chicago alone, more than 7,500 babies are born to teen moms every year, 88 percent of which are out of wedlock. The availability of Plan B over-the-counter could decrease this by at least 50 percent.

Mr. Chairman, unintended pregnancy is so closely linked to other critical social issues: child poverty, out-of-wedlock birth, a well-trained and ready workforce and the encouragement of strong American families. We must do what we can do decrease the number of unintended pregnancies, and in the case of Emergency Contraceptive Pills we have the opportunity and the scientific backing.

Mr. Chairman, I strongly support this amendment and urge all my colleagues to vote based on science and evidence and not politics.

Mr. WAXMAN. Mr. Chairman, I rise in support of the amendment. The issue before us is the process by which the FDA decides whether to make Plan B, a form of emergency contraception, available over the counter. Plan B has long been considered a safe and effective prescription method of emergency contraception. Earlier this year the FDA's expert advisory committee and its scientific staff both concluded that it was safe and effective for use over the counter, as have several other countries. It was therefore with grave concern that I learned that the FDA decided to reject the scientific recommendations of its staff and expert committee and refused to grant over-the-counter status for Plan B. Instead of science, the over-riding basis for the FDA's decision appeared to be the Bush administration's desire to cater to its right-wing base in an election year.

The FDA has a long and respected tradition of making decisions on the basis of science. FDA's drug approval process is admired and emulated around the world for this very reason: its decisions have always been based on the best available evidence. America's health and the industries the FDA regulates have thrived under this system.

I am concerned not only because improperly withholding emergency contraception will result in countless unnecessary abortions and unwanted pregnancies. I am concerned because public health agencies like the FDA run tremendous risks when they allow an ideological agenda to subvert science. They run those risks with their own credibility, with the credibility of the products they regulate, and ultimately with the lives of the American people. An FDA motivated by politics instead of science is bad for America's health.

The Bush administration has repeatedly shown its willingness to distort science to suit political ends, from suppressing the science on global warming, to censoring websites about sex education, to appointing unqualified individuals with lead industry ties to expert advisory committees on lead poisoning of children. Let's send them a strong message today: decisions as important to the public health as the availability of emergency contraception must be based on science, not ideology. Anything less is unacceptable.

Mr. SHAYS. Mr. Chairman, I rise in support of the Maloney amendment to H.R. 4766.

If the FDA finds a drug to be safe and effective for over-the-counter use, it should not go on to withhold the drug from over-the-counter use for any other reason. Not for political reasons. Not for ideological reasons.

This amendment states that once a determination of safety and effectiveness is made, the FDA can't deny a product's approval for over-the-counter status for reasons other than safety and effectiveness.

On May 6, the Food and Drug Administration, FDA, turned down Barr Laboratories' application for Plan B emergency contraception to be distributed over the counter.

I was disappointed the FDA went against the advice of the FDA's own expert panel, which in December recommended unrestricted over-the-counter access by a vote of 23 to 4.

A drug is considered acceptable for over-the-counter status if it has low-toxicity, has no potential for overdose or addiction, isn't harmful to an existing pregnancy, does not require medical screening, is self-identifiable, has a uniform dosage and if there are no important drug interactions. Emergency Contraception, EC, was found to meet every single criterion.

That is why, along with 40 of my colleagues, including the gentlelady from New York, I sent a letter to the Acting Commissioner of the FDA, Dr. Lester Crawford, asking him to reconsider the determination on the status of the application to make Emergency Contraception available over the counter.

We have not yet received a response.

The FDA should only make decisions based on science, not politics and ideology. The decision was made despite the significant need for access to emergency contraception.

The fact is, our children are having children. Approximately 82 percent of teen pregnancies are unintended and more than half of these end in abortion.

Expanded access to emergency contraception will decrease the risk of unintended pregnancy and decrease the number of abortions.

I would like to see abortion remain safe and legal, yet rare, which is why I urge my colleagues to support this amendment.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mrs. MALONEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Add at the end (before the short title), the following new section:

Sec. . None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information

technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer: *Provided further*, That the report described in the second proviso under the heading ''OFFICE OF THE CHIEF FINANCIAL OFFICER'' shall also be submitted to the Committee on Government Reform of the House of Representatives.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. BONILLA. Mr. Chairman, we have not seen the amendment, so at this time I reserve a point of order.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Earlier in the day we had a dispute erupt between the authorizing committee and the Committee on Appropriations with respect to one language provision in this bill from last year's bill. Subsequent to that, we had another dispute manifest itself with respect to new language in this bill. As a result of that altercation, we had two sections of the bill which were stricken on points of order.

After that occurred, I discussed the episode with the gentleman from Virginia, the chairman of the subcommittee from the authorizing committee, which had objected to our committee's initial actions. The gentleman told me that what he was trying to get at was simply to make certain that in the provision that was carried in last year's bill that the authorizing committee would also receive notice before the agency could proceed to outsource or to contract for certain jobs outside of the agency itself.

This amendment is simply an effort to reinstate the language as I understand the gentleman from Virginia wanted it, and to also insert the language originally inserted in this bill by the Committee on Appropriations which would prevent the agency from transferring certain funds that the committee had indicated should not be transferred.

This is a simple effort on the part of one Member of the minority party to defend the institutional prerogatives of the Congress. And if the majority wants to accept it, that is fine with me. If they do not want to accept it, I could not care less.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I claim the time in opposition; however, I want to emphasize that the amendment that the gentleman from Wisconsin is offering today has been reviewed and cleared, and I am prepared to move on and accept it. So I withdraw the point of order earlier raised.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was agreed to.

Mr. BAIRD. Mr. Chairman, I have an amendment at the desk, although I am not sure it is at the desk.

The CHAIRMAN. Would the gentleman submit his amendment to the desk.

Mr. BAIRD. Mr. Chairman, I think they are bringing it, but I am not sure of the status.

Mr. BONILLA. Mr. Chairman, as we have not had a chance to review this amendment, I would like to reserve a point of order on this amendment.

Mr. BAIRD. And my understanding is that it may be ruled out of order; but if I may, I would like to speak to it, Mr. Chairman.

The CHAIRMAN. The gentleman must submit his amendment to the desk in order for it to be considered. Does the gentleman have an amendment?

Mr. BAIRD. Mr. Chairman, I think it is being brought to the floor. If I might ask the gentleman if we could bring it back up in a few moments, I would appreciate it. My understanding was it had been submitted. Apparently, somehow, it did not get here.

The CHAIRMAN. If the gentleman from Washington would offer an amendment, the Clerk would designate it and consideration would proceed under the order of the House.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would inform the gentleman that, to our knowledge, this is the last amendment; and we are a little bit stumped as to why we would not have a copy of the amendment here. We are concluding a major appropriation bill.

Mr. BAIRD. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Washington to discuss this issue.

Mr. BAIRD. Mr. Chairman, I thank the gentleman for yielding to me. It was my understanding the amendment was here, and I apologize for the confusion.

Mr. Chairman, it was my intent to withdraw the amendment, but I wanted to rise today to discuss a program fraught with waste. It was created with noble intentions but is poorly constructed and implemented, and as a result has facilitated, I think, abuse of an otherwise well-intentioned program. I am referring to the Livestock Compensation Program, which provides Federal funds to compensate livestock producers for financial losses stemming from natural disasters.

I strongly support the intentions of the LCP, and I applaud the Secretary of Agriculture for creating the program. However, when it was created in 2002, it was designed to provide payments to compensate for drought damages, and then Congress expanded the program in 2003 to provide payments for all natural disasters.

Congress only authorized the program until 2003; and, consequently, the LCP is currently dormant. However, we can be assured that the Secretary and Congress would likely be pressured to reauthorize the program during the next significant disaster, which is, unfortunately, an inevitability.

While I support the intentions of the LCP, the authorizing legislation and accompanying regulations contained a massive loophole. Essentially, it was this: the LCP did not require eligible parties to demonstrate any actual loss to receive Federal assistance. As a consequence, ranchers who resided in regions affected by natural disasters, but whose property was completely unaffected, were able to march down to the local FSA, provide documentation simply that they owned livestock, and receive a check for as much as $40,000. They did not have to demonstrate that their farm or ranch had been harmed; neither did they have to demonstrate that their livestock had been harmed. Apparently, FSA simply wrote checks without asking the relatively simple question: What sort of damages did you sustain?

To this day, we have no idea how much money was wasted because the government failed to ask this question. We do know, however, that the program distributed a total of $1.1 billion, including $234 million for disasters other than drought.

We asked the USDA Inspector General to investigate the program; and, indeed, they suggested it was in need of reform. That is why I am calling this to the attention of this committee. I believe we ought to address this.

My understanding is that the amendment was likely to be ruled out of order, and I do have now available a copy of the amendment, so that I would have had to withdraw it. But I would ask this committee to consider this. This is a program that may have been well intentioned, but has been abused. If it is extended further, we need to make sure that money only goes to people who have suffered livestock loss.

We talk a lot about waste, fraud, and abuse in this Congress. Here is a clear-cut case of waste. I do not think it is intentional fraud, but it is clearly waste and possibly abuse, and so I think we should address it.

Mr. Chairman, I thank the gentleman for his indulgence, and I submit for the RECORD a copy of the amendment I had intended to offer.

AMENDMENT TO H.R. 4766, AS REPORTED OFFERED BY MR. BAIRD OF WASHINGTON

Page 79, after line 16, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 759. None of the funds appropriated by this Act may be used to make payments pursuant to the Livestock Compensation Program to persons who do not incur a financial loss resulting from the natural disaster with respect to which such payments are otherwise available.

Mr. BONILLA. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments; and in closing, I would just urge all Members on the upcoming votes on the three amendments to vote ''no,'' and ''yes'' on final passage.

Mr. Chairman, I yield back the balance of my time.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 8 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from California (Mr. BACA), amendment offered by the gentleman from Colorado (Mr. TANCREDO), amendment No. 7 offered by the gentleman from Ohio (Mr. CHABOT), and the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BACA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. BACA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 205, noes 209, not voting 19, as follows:

[Roll No. 366]

AYES—205

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Bass
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burns
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Wilson (NM)
Wu
Wynn

NOES—209

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Bereuter
Carson (IN)
Cole
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Kleczka
Larsen (WA)
Lee
Majette
Saxton
Stark
Vitter
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. QUINN) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1808

Mr. BERRY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 15, as follows:

[Roll No. 367]

AYES—156

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bilirakis
Blackburn
Boozman
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Buyer
Camp
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
DeMint
Doolittle
Duncan
Dunn
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hooley (OR)
Hostettler
Hunter
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Matheson
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Northup
Norwood

Ose
Otter
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Putnam
Quinn
Ramstad
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiberi
Toomey
Upton
Walden (OR)
Wamp
Weldon (FL)
Wicker
Wilson (SC)

NOES—262

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballenger
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Case
Castle
Chandler
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gephardt
Gerlach
Gilchrest
Gonzalez
Granger
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Jones (OH)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1816

Mr. BOYD changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 72, noes 347, not voting 14, as follows:

[Roll No. 368]

AYES—72

Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Carter
Castle
Chabot
Cox
Culberson
Davis (CA)
Davis, Jo Ann
DeLay
DeMint
Doggett
Duncan
Ehlers
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gibbons
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
King (IA)
Kirk
Linder
LoBiondo
Manzullo
McCollum
McInnis
Miller (FL)
Miller, Gary
Musgrave
Myrick
Napolitano
Pascrell
Paul
Pence
Petri
Pitts
Portman
Ramstad
Rohrabacher
Royce
Schakowsky
Sensenbrenner
Shadegg
Shays
Shuster
Smith (MI)
Smith (NJ)
Tancredo
Tiberi
Toomey
Udall (CO)
Van Hollen
Wamp
Waxman
Wilson (SC)

NOES—347

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Baird
Baker
Baldwin
Ballenger
Barton (TX)
Beauprez
Becerra
Bell
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frost
Gallegly
Gephardt
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (OH)
Turner (TX)

Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). The Chair reminds Members there are 2 minutes left in this vote.

□ 1825

Mr. BURTON of Indiana, Mr. WAXMAN and Mrs. DAVIS of California changed their vote from ''no'' to ''aye.''

Mr. KUCINICH changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 206, noes 213, not voting 14, as follows:

[Roll No. 369]

AYES—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Case
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Herseth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—213

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bereuter
Carson (IN)
Collins
Deutsch
Gutknecht
Houghton
Isakson
Istook
Jackson-Lee (TX)
Larsen (WA)
Lee
Majette
Saxton
Vitter

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1833

Mr. BASS changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COLLINS. Mr. Chairman, I was not present for debate on the Legislative Branch Appropriations for Fiscal Year 2005—H.R. 4755—rollcall vote 359, amendment offered by HOLT to establish a Center for Science and Technology Assessment; rollcall vote 360, amendment offered by HEFLEY to provide a 1 percent reduction in discretionary funding; rollcall vote 361, a motion to recommit; rollcall vote 362, final passage of H.R. 4755.

Additionally, I was not present for debate on these amendments to the Agricultural Appropriations for Fiscal Year 2005—H.R. 4766—rollcall vote 363, an amendment offered by HOOLEY; rollcall vote 364, an amendment offered by WEINER; rollcall vote 365, a motion to close the DOD conference; rollcall vote 366, an amendment offered by BACA; rollcall vote 367, an amendment offered by TANCREDO; rollcall vote 368, an amendment offered by CHABOT; and rollcall vote 369, an amendment offered by KAPTUR.

Had I been present, I would have voted "yea" for rollcall votes 360, 362, 363, 365, and 367.

I would have voted "nay" on rollcall votes 359, 361, 364, 366, 368, and 369.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this will not take a great deal of time. I yield to the very distinguished 12-year Member of this institution, the gentleman from Chicago, Illinois (Mr. RUSH) for a very brief colloquy.

Mr. RUSH. Mr. Chairman, I thank the gentlewoman for yielding, and I rise to enter into a colloquy with my dear colleague, the gentlewoman from Ohio (Ms. KAPTUR).

Madam Ranking Member, due to the issues of education, migration, and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent

practices by dishonest and unscrupulous people. As my colleague knows, many African American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant land grab among some in the South, thereby robbing many African American families of their ownership rights.

Madam Ranking Member, today, African Americans residing inside and outside of Southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA, Reclaiming Ownership of Southern Assets, that is helping African American families reclaim their stolen land. And Madam Ranking Member, I sincerely hope that the Federal Government can also join in this effort to help right a wrong.

It is for this reason that I would respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families who have been illegally deprived of their property. This is an urgent matter. It is a very, very important matter; and I respectfully ask that the gentlewoman from Ohio (Ms. KAPTUR) take this issue to the conference committee and champion this cause along with the law students who are involved in this program called ROSA, Reclaiming Ownership of Southern Assets.

Ms. KAPTUR. Mr. Chairman, reclaiming my time, I thank my distinguished colleague from Chicago, Illinois and all of the Members at the end of a very long day for having the courtesy to listen to him and these serious concerns. We certainly will take this to conference, and we will not forget that the gentleman from Illinois (Mr. RUSH) was the one who reminded us to do it.

Mr. SMITH of Michigan. Mr. Chairman, I rise to make the point that under the current law, there are no limits for government price support payments to farmers using commodity certificates.

If commodity certificates and loan forfeitures would have been included under the payment cap limit like in the Senate version of the 2002 farm bill, the CBO has estimated we would save $118 million in FY 05 alone—$118 million—that could be used for some other very worthy initiatives in this agriculture appropriation bill or larger supports for family farmers.

We all have heard the news reports about large corporate farms receiving millions of dollars in government payments through the use of generic commodity certificates. Generic certificates do not benefit average family farmers but allow the largest farmers to receive unlimited payments. It is not good public relations for agriculture or our next farm bill.

Under our current system, when the $75,000 limit is reached, producers can continue to receive unlimited price support benefits through loan forfeitures and generic commodity certificates. Generic commodity certificates are in practice the same thing as marketing loan gains, yet they are not included under the payment limitations.

Thus, generic commodity certificates are essentially loopholes allowing large farming operations to exceed the payment limits. Should it be the objective of federal farm policy to provide virtually unlimited price support to large farming operations?

To add insult to injury, in a May 2003 article published in Tax Notes, it shows that gains from commodity certificates are not reported to the Internal Revenue Service.

Reading some of the comments following the USDA's Payment Limit Commission Report from last fall, it seems important to stress the fact that a few large farmers utilizing generic commodity certificates are avoiding payment limits.

While the Commission indicated that no changes should be made to payment limits until the next farm bill, we need to seriously consider where our agricultural appropriations money is going. Should the Federal Government be paying over 50 percent of the gross income for certain commodities?

It is often argued that cooperatives need to use these commodity certificates as a marketing tool and that the money is spread over numerous producers. This argument dodges the real issue, however, that generic certificates provide a loophole for large producers in the cooperatives to collect unlimited dollars in federal subsidies above and beyond the so-called payment limits.

Even within such co-ops, individual farm production records can be used to enforce compliance if this loophole were closed. As you may know a majority of the Senate and the House voted to instruct conferees to have "real" payment limits. Unfortunately, the conferees did not follow through. The next farm bill is at risk of overly severe limits if continued abuse is evident.

The CBO projected savings of $118 million for FY05 and nearly a half billion dollars during the 5 years of our current farm bill.

That money could be used to fund the National Research Initiative, NRI, which is a national grant-based agricultural research program for our public and private scientists. The NRI was authorized in 1994 at $500 million per year, but has received less than $200 million every year since its inception. This kind of research can allow our farmers to be more productive and efficient, being less dependent on Federal farm programs.

The NRI has provided the agriculture community with valuable research such as sequencing the rice genome, disease resistance in soybeans, and improved management practices for livestock and crop producers.

Supporters of payment limits argue that large or unlimited payments benefit large farms, facilitate consolidation into larger units, raise the price of land, and put smaller, family-sized, or beginning farming operations at a competitive disadvantage.

Critics of payment limits counter that all farms are in need of support, especially when market prices decline, and that larger farms should not be penalized for the economies of size they have achieved.

Although the effect of payment limits can vary, affected farms are usually relatively large. Cotton and rice farms are affected more frequently because they tend to be larger and their subsidy value per acre is relatively high. Cotton and rice farms are also the largest users of commodity certificates in the marketing loan program, an important fact for payment limits.

Under the 2002 farm bill, producers receive three types of commodity payments that are subject to limits: direct payments, counter-cyclical payment, and marketing loan payments. With respect to payment limits, direct and counter-cyclical payments are relatively straightforward since they are direct transfers made in cash. Marketing loans, however, are more complicated.

The marketing loan program has four mechanisms to provide benefits when market prices are below loan rates: (1) loan deficiency payment (LDP)—a direct payment instead of a loan; (2) marketing loan gain (MLG)—repaying a loan at a lower market price (posted county price, or average world price for cotton or rice); (3) "commodity certificates"—purchased at the posted county price to repay the loan; similar to a MLG but without payment limits; and (4) forfeiting the collateral (commodity) and keeping the cash.

The 2002 farm bill retains annual limits on selected commodity program payments. It creates a prohibition on payments to persons or entities with adjusted gross income exceeding $2.5 million—unless 75 percent or more comes from farming.

The annual limit per person is $40,000 for direct payments, $65,000 for counter-cyclical payments, and $75,000 for marketing loan gains and loan deficiency payments. However, because commodity certificates and forfeiture of commodities are not subject to any limits, the limit on MLGs and LDPs simply becomes the point at which the farmer shifts to commodity certificates. So, as a practical matter, the marketing loan program is not limited.

Mr. Chairman, again I want to reiterate the pro-farmer, practical need to close the payment limit loophole. Without putting constraints on the benefits earned through marketing certificates and loan forfeitures, the annual per person payment limit on the marketing loan program is not a true limit on federal payments to large farmers with budgets that must be restrained the challenge of writing the next farm bill that will keep American agriculture strong will be a huge task.

Mr. BLUMENAUER. Mr. Chairman, while H.R. 4766, the fiscal year 2005 Agriculture Appropriations bill, is far from perfect, I vote in support of this bill that contains key programs for Oregon and important amendments that made this a better bill.

I am pleased that my amendment to designate $1.2 million of the funds within the Office of Inspector General to be used to enforce animal fighting laws passed, reflecting Congress' continuing attention to the inhumane, cruel, and economically devastating problem of animal fighting. I was also pleased to see the passage of Representative HOOLEY's amendment that increases funding for programs to eradicate Sudden Oak Death, a serious plant disease that threatens a nursery industry responsible for $700 million of annual production in Oregon and $14 billion nationally.

I am disappointed to see the failure of an amendment offered by Ranking Member KAPTUR that would increase funding for Farmers Markets. I would hope the committee can work to improve funding for these programs that connect local farmers with their communities. I am also deeply dissatisfied in the funding levels for conservation programs that were a key component to the passage of the 2002 farm bill. Continual funding cuts to these programs have shown that these commitments

were, in actuality, empty promises. I will continue to work to strengthen funding for these programs that help farmers, and improve the environment and our communities.

Mr. VITTER. Mr. Chairman, today I rise in strong support of H.R. 4766, the Agriculture Appropriations Act for FY2005.

Agriculture is vital to not only the local economy in my home State of Louisiana but also to the culture and to way of life of many communities. Ag industries give Louisiana billions of dollars in economic impact and provide for hundreds of thousands of jobs. This bill funds many of the important programs and research that will help keep Louisiana's and our Nation's Ag sector profitable and vibrant.

This bill will fund a number of specific items of benefit to Louisiana. I am pleased that these important items were included by the Appropriations Committee, and, as a member of the committee, I will continue to push for these important items to be included as we go to conference with the Senate.

Some of these items include provisions to help solve specific needs in Louisiana, such as dairy waste remediation and an unexplained disease in rice crops. To help the sugar industry, there is funding to upgrade a sugar research station in southeast Louisiana.

The bill also provides for a number of research initiatives, such as ongoing work to solve the Formosan termite infestation in Louisiana and important research funding that will benefit many of the different industries—from aquaculture to forestry, and many others—across the State.

Also, this bill funds many different rural development programs and includes provisions to provide for needs in a number of communities across Louisiana that can use rural development assistance to solve waste water problems, make improvements on drinking water systems, deal with storm runoff, and other needs.

Finally, there are provisions that direct the FDA to continue efforts to benefit Louisiana's seafood industry. Particularly, funding continues for the FDA to educate Americans on oyster consumption. And, to help deal with shrimp imports that contain chemicals harmful to humans, language has been included directing the FDA to test more shrimp to catch these chemicals so that . . .

These are just a few examples of how this bill will benefit Louisiana and our Nation. I thank Chairman BONILLA for crafting such a good bill, and I urge all members to support it.

Mr. STENHOLM. Mr. Chairman, I rise in strong support of H.R. 4766.

Mr. Chairman, once again the chairman and ranking minority member of the Agriculture Appropriations Subcommittee have done an excellent job under very tight constraints. The bill is well balanced and will allow the Agriculture Department, the CFTC, and other related agencies to carry out their various important functions.

Mr. Chairman, the cap on this bill binds very tightly. It represents a near hard freeze and, as a result, the Appropriations Committee had to cut into mandatory funding.

I was very proud of the work that the Agriculture Committee and this House did in developing the 2002 farm bill, and for me it was a great honor to be involved in its development. In a very forward-looking way, it addressed farm income, but it also made substantial investments in research, so that American agricultural technology can continue to lead the world; in conservation, so that our natural resources will continue to be available for generations to come; in rural development, so that our rural areas could make technology improvements and provide basic services; and in preserving our nutrition programs that protect the needy.

But because of this Congress' failure to take a similar, forward-looking approach to government debt, this appropriations bill cuts the funding for the reforms and investments that were so strongly supported in this House. The FY 2004 Agriculture Appropriations bill made substantial cuts in farm bill programs of over $650 million, and this year's bill goes farther still to the tune of $1.26 billion.

I find it somewhat disingenuous for the leadership of this House to profess their commitment to agriculture and the progress made in the farm bill—even leading members of their own party to believe that the farm bill will not be opened—and then attacking the farm bill in this back door approach. Whether we open the farm bill and cut agriculture because of reconciliation instructions or because of appropriations constraints, the end result still takes us to the same place—breaking our commitments to farmers and ranchers, to our commitments to conservation of our environment and protection of wildlife, and to the improvement of our rural economy. What is even a bigger shame is the fact that when you slowly dismantle the farm bill in this fashion, without the benefit of an overarching budget agreement, you still don't achieve a lower deficit/balanced budget.

I have said before and I repeat it again, agriculture is always willing to do its fair share for fiscal sanity. However, when we willy-nilly cut agriculture without regard to a bigger plan I have severe reservations.

Mr. Chairman, you can't blame the Appropriations Committee for this condition. They have worked on a bipartisan basis to provide the best bill possible in a bad situation. Amazingly, we are considering this bill without the benefit of even having a budget in place; our deficit in May reached $347 billion—well on its way to $500 billion before the current fiscal year ends.

But in order to meet the cap, this bill cuts these mandatory farm bill programs: Key research in the Initiative for Future Agriculture and Food Systems; small watershed rehabilitation; the Rural Strategic Investment Program; rural broadband and local rural television initiatives; funding for rural firefighters; the Wetlands Reserve Program; the EQIP program; the Conservation Security Program; the Wildlife Habitat Incentives Program; the Farmland Protection Program; and the Renewable Energy Systems Program.

Mr. Chairman, the farm bill—which was developed in a very inclusive and bipartisan manner—has been working very well. But our current fiscal policies—which are being developed without that kind of commonsense bipartisanship—are causing the piece-by-piece dismantling of the farm bill. I hope that the leaders of this House will soon reach across the aisle so that we can work together toward a common solution.

Mr. Chairman, earlier this year, the U.S. Forest Service grounded 33 of their heavy airtankers that were used to support firefighting program. Although a few of these planes have been cleared for service in this fire season, we must work to develop long-term plans for the U.S. Forest Services' aerial firefighting program. I would like to work with the members of the Appropriations Committee in the future to help fund research and development of adequate aircraft to support our country's forest firefighting program.

Mr. Chairman, once again I commend Appropriations Committee members on both sides for their work on this important bill and I urge my colleagues to support its passage.

Mr. NUSSLE. Mr. Chairman, I rise to speak on H.R. 4766, the Agricultural Appropriations bill for fiscal year 2005.

H.R. 4766 provides $16.8 billion in budget authority and $18.0 annually in outlays—a decrease of $875 million in BA and $181 million in outlays from fiscal year 2004.

As chairman of the House Budget Committee, I am pleased to report that the bill is consistent with the conference report on the Concurrent Resolution on the Budget for fiscal year 2005—H. Con. Res. 95—which recently passed the full House but has yet to pass the Senate. The bill comes in at its 302(b) allocation for fiscal year 2005 and therefore complies with section 302(f) of the budget resolution, which limits appropriations measures to the allocation of the reporting subcommittee.

H.R. 4766 continues the practice on Agriculture Appropriations bills of changing mandatory programs to generate savings to offset discretionary spending. This year's bill contains nearly $1.3 billion in such changes to mandatory programs under the subcommittee's jurisdiction.

Let me conclude by commending Chairman BONILLA and Ranking Member KAPTUR for a job well done in prioritizing the programs within their jurisdiction and coming to the floor with a bill that complies with this year's budget resolution.

Mr. RUSH. Mr. Chairman, I rise to revise and extend my remarks. I would like to thank the chairwoman for her leadership today.

Madam Chairwoman, due to issues of education, migration and disinformation, many African Americans have lost real property once in their possession or in the possession of their families because of fraudulent practices by dishonest and unscrupulous people. As you know, many African-American families migrated to the North and left their land behind with the understanding that they still retained ownership to their property. However, what occurred and what is still occurring is a blatant "land grab" among some in the southern States thereby robbing many African-American families of their ownership rights.

Madam Chairwoman, today African-Americans residing inside and outside of southern States may still have legal claims to these lands. There is a group of law students who are working on a program called ROSA (reclaiming ownership of southern assets) that is helping African-American families reclaim their stolen land. I hope that the Federal Government can also join in their effort to help right a wrong.

It is for this reason that I would like to respectfully request that the Office of Civil Rights within the Department of Agriculture research this issue and provide technical assistance to these families that have been illegally deprived of their property.

Mr. SOUDER. Mr. Chairman, I will not offer an amendment today with respect to the Food and Drug Administration, but I do want to put

on the record my disappointment with the agency with respect to issues of concern to the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair.

The first matter concerns the reluctance of the FDA to exercise its responsibilities to protect the health of Americans from specious medical claims made about marijuana. In recent years, a large and well-funded pro-drug movement has succeeded in convincing many Americans that marijuana is a true ''medicine,'' to be used in treating a wide variety of illnesses. Unable to change the federal laws, however, these pro-drug activists turned to the state referendum process, and succeeded in passing a number of ''medical marijuana'' initiatives. This has set up a direct conflict between federal and state law on whether or not smoked marijuana is ''medicine.''

State laws purporting to legalize marijuana for medical purposes bypass these important safeguards. California and Oregon have adopted the most wide-reaching such laws. They allow anyone to use, possess, and even grow his own marijuana, provided he obtains the written ''recommendation'' of a doctor. Few, if any, restrictions are placed on what conditions marijuana may be used to treat; virtually no restrictions are placed on the content, potency or purity of such ''medical'' marijuana.

The laws adopted in California, Oregon, and other States are extremely open-ended; California law even allows marijuana to be used for migraine headaches. This has led to a number of uses of marijuana as ''medicine'' that I believe to be highly questionable. For example, Dr. Phillip Leveque, has personally written recommendations for over 4,000 people to use marijuana, many of whom he never met. A witness who testified before my Subcommittee, Dr. Claudia Jensen, has recommended that teenagers use marijuana for the treatment of psychiatric conditions like attention deficit disorder (ADD). We do not allow patients to grow their own opium poppies to make painkillers like morphine, Oxycontin and even heroin with just a ''doctor's recommendation.'' We do not allow people to manufacture their own psychiatric drugs like Prozac or Xanax to treat headaches.

Why, then, should we authorize people to ''grow their own'' marijuana, when the potential for abuse is high and there is little or no scientific evidence that it can actually treat all of these illnesses and conditions? Why should we abandon the regulatory process that ensures that drugs are manufactured at the right potency level and contaminant-free? Why should we stop the oversight that makes sure that drugs are being administered in the right dosage and in the safest manner? Where has the FDA been in the debate on medical claims concerning an unapproved drug? It is absent from the debate, deferring to other law enforcement agencies. Why? The debate that is taking place concerns FDA's core competency: is smoked marijuana medicine or not? FDA's feeble response to this direct challenge to its authority is to provide a link to the National Institute on Drug Abuse on its website.

''Medical'' marijuana referenda are a direct assault on nearly a century of food and drug law, and FDA needs to rise to its own defense. I ask unanimous consent that a letter to President Bush from Arthur T. Dean, Chairman and CEO of the Community Anti-Drug Coalitions of America, be inserted in the record concerning this important point.

While FDA is almost negligent with respect to marijuana, it is nearly usurpatory with respect to on-site drug testing. Once again, the FDA is seeking to impose overly restrictive guidance on the manufacturers and consumers of on-site drug tests, an ill-conceived effort that runs directly counter to the President's initiative to increase the availability of student drug testing.

Many schools also use these tests to deter student drug use. In his State of the Union Address, President Bush stated that student drug testing is an effective deterrent to drug use. Hunterdon Central High School in New Jersey is a model school that has used on-site drug and alcohol tests for over six years without problems. The New Jersey Supreme Court has upheld the program. The FDA's regulation of on-site tests will make them expensive and difficult to use and may cause Hunterdon and other schools to forgo the use of this valuable tool to deter drug use from our children.

The FDA has proposed requiring an expensive and repetitive approval process for the testing kits and has proposed requiring onerous training and other requirements. One of the key studies cited by FDA as supporting the rationale behind promulgating its proposed guidance has been misinterpreted and has not been peer-reviewed. I urge the FDA to reconsider this proposal in light of its damaging effect on the Bush administration's priorities for protecting the health and safety of young people.

Additionally, I am concerned that FDA is not using the best and latest science to alert consumers to the risks in using products regulated by the agency. For example, studies have consistently demonstrated that condom use doe not provide effective protection against infection with human papillomavarius (HPV). HPV is a sexually transmitted disease that causes nearly all cervical cancers. By way of comparison, nearly the same number of American women dies every year as a result of HPV/cervical cancer as do of HIV/AIDS. Despite these facts, FDA-approved condom labels have erroneously stated that condoms provide effective protection against STDs, and some condom companies have even claimed that condoms protect against HPV. In December 2000, President Bill Clinton signed Public Law 106–554 requiring the FDA to ''reexamine existing condom labels . . . to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.'' Four years later, FDA has yet to comply with this legal requirement by relabeling condoms to be medically accurate. FDA assured me at a hearing held in March that the agency would issue new recommendations before the end of this year.

Lastly, studies have also long demonstrated that use of the spermicide Nonoxynol-9 (N–9) increases risk for HIV infection. Yet the FDA, as recently as last year, stated on its website that ''some experts believe nonoxynol-9 may kill the aids virus during intercourse, too. So you might want to use a spermicide along with a latex condom as an added precaution.'' FDA did publish a proposed rule requiring warnings for OTC vaginal contraceptives containing N–9 on January 16, 2003. This rule does not, however, apply to other products containing N–9 and the agency is still weighing whether or not to require consumer alerts on condoms containing N–9.

The House Government Reform Committee on February 26 voted to approve ''Views and Estimates on the Fiscal Year 2005 Budget of the United States'' without dissent. This document urges the FDA to take action to alert consumers of the dangers posed by so-called ''medicinal'' marijuana, HPV and N–9. The American people are still waiting.

COMMUNITY ANTI-DRUG
COALITIONS OF AMERICA,
Alexandria, VA, May 7, 2004.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the 5,000 coalition members that Community Anti-Drug Coalitions of America (CADCA) represents, I am writing to strongly urge you to instruct the Food and Drug Administration (FDA) to issue warning letters to all states, local governments, medical boards, website operators and sellers of marijuana explaining that the FDA has not approved botanical marijuana for ''medicinal use'' and that it cannot be advertised as such. Furthermore, I respectfully request that you direct the FDA to take action against entities that continue to falsely advertise marijuana as medicine with appropriate penalties.

It has recently come to my attention that the FDA has issued a multitude of warning letters to websites over: (1) weight loss claims, (2) the relationship between walnuts and the risk of heart disease, and (3) the potential risk of ultrasound 'keep-sake' images. Many, if not most of these claims, are based on little or no conclusive, scientific evidence. Mel Stratmeyer, Ph.D., in the FDA's Office of Science and Technology was quoted in an article related to the ultrasounds as saying, ''. . . if there's even a possibility of potential risk, why take the chance.''

If the FDA uses the standard of ''possibility of potential risk,'' don't Americans also deserve to be protected from the demonstrably false claims being made about ''medical marijuana.'' The public relies upon the FDA to advise them on medicine, based on sound medical evidence. To date, the FDA has not approved nor has it found any medicinal value in botanical marijuana, which is why it remains a Schedule I controlled substances. Despite this fact, websites, state and local governments, private vendors and doctors continue to advertise and endorse the medicinal value of smoked marijuana.

Marijuana is not a harmless drug: it is the most widely abused illicit drug in the nation. According to the Substance Abuse and Mental Health Services Administration's Treatment Episode Data Set, approximately 60% of adolescent treatment cases in 2001 were for marijuana abuse. Research shows that the decline in the use of any illegal drug is directly related to its perception of harm or risk by the user. Advertising smoked marijuana as medicine sends the wrong message to America's youth—that marijuana is not dangerous. The effort of the drug legalization movement, to promote ''medical marijuana'' to the pubic severely dilutes the prevention messages that community anti-drug coalitions across America are trying so hard to communicate: marijuana is dangerous and has serious consequences.

An April 2nd story in Reuters Health (''FDA Warns 16 Websites Over Weight Loss Claims) shows that the FDA is issuing warnings in these cases based on ''false and misleading claims'' that may have significant heath consequences to the public. These same kind of claims are being made regarding ''medical marijuana.'' Doctors and

websites are giving false hope to patients by telling them that marijuana will help them, without warning these patients of the potentially serious side effects of smoking marijuana. At a hearing before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources, Dr. Nora Volkow, Director of the National Institute on Drug Abuse (NIDA), the government's lead agency on drug abuse research, testified that even if marijuana were found to have medicinal value at some point in the future, doctors could not in good faith recommend patients smoke it because it is inherently toxic as a delivery system. When considering new drug therapies, any positive effects must outweigh the negative side effects.

Mr. President, I strongly urge you to instruct the FDA to send warning letters to all states, local governments, medical boards, websites and sellers of marijuana explaining that the FDA has not approved botanical marijuana for medicinal use and that it cannot be advertised as such. Thank you for considering my views.

Sincerely,

ARTHUR T. DEAN,
Major General, U.S. Army, Retired,
Chairman and CEO.

Mr. ACKERMAN. Mr. Chairman, times have sure changed since this appropriations bill was last presented to this Congress. We were a country free of mad cow disease and I was trying to pass an amendment requiring that no funds from the bill be used to allow downed animals into our food supply. I stood before this Congress and said: Let us do everything we can to make sure that mad cow disease never enters this country. Let us take precautionary measures and prevent downed animals—livestock too sick to walk or stand—from entering our food supply and require those animals to be humanely euthanized.

This year, we are no longer a country free of mad cow disease and the USDA has since wisely implemented a series of interim final rules to strengthen food safety regulations in the United States. I applaud the USDA and FDA for their recent actions to strengthen safeguards against mad cow disease. I was pleased to read about recent regulations to remove highly infectious cattle materials from food, dietary supplementals and cosmetics. Though these regulations should have been in place years ago, I am thrilled to see that the USDA and FDA have embraced common sense policies to protect Americans.

In good faith that the USDA will continue to enact sound policies to strengthen food safety laws and protect cattle from inhumane treatment, I will not be introducing my amendment again this year. As the USDA reviews the 22,000 public comments regarding their interim ban on downed animals, I urge the Department to consider the overwhelming number of comments—over 99 percent—that are strongly in favor of the ban.

Mr. Chairman, I would also like to take this opportunity to assure fellow Members in this House, that any attempts to weaken or destroy the ban, will be met with the fury and resistance of the American people, who have overwhelmingly expressed their strong voice for a permanent downer ban. Let the record reflect that we fully expect that the final downer rule will be as strong, if not stronger, than the interim final rule. Tainted meat from sick animals has no business with American families. Let us not wait until the first case of the human form of mad cow disease is confirmed before taking actions to ensure the safety of our meat. Let us continue to work with the USDA and FDA to implement policies so we never ever have to see an American fall victim to mad cow disease.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. OSE) having assumed the chair, Mr. BASS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4766) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 31, not voting 13, as follows:

[Roll No. 370]

YEAS—389

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Cole
Collins
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—31

Boucher
Burr
Buyer
Capuano
Coble
Conyers
Crane
Flake
Frank (MA)
Franks (AZ)
Goode
Gordon
Hefley
Johnson (CT)
Kucinich
Lewis (KY)
Markey
Marshall
McDermott
Meehan
Moran (VA)

Pascrell	Sensenbrenner	Stupak
Paul	Shays	Tancredo
Rohrabacher	Smith (WA)	
Royce	Stark	

NOT VOTING—13

Bereuter	Isakson	Lee
Carson (IN)	Istook	Majette
Deutsch	Jackson-Lee (TX)	Saxton
Gutknecht	Larsen (WA)	Vitter
Houghton		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1856

Mr. BUYER changed his vote from ''aye'' to ''no.''

Ms. LOFGREN and Mr. UDALL of Colorado changed their voted from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VITTER. Mr. Speaker, I ask that the RECORD reflect that, had I been present, I would have voted "yea" on rollcall 370, on passage of H.R. 4766, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2005.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 37 and H.J. RES. 66

Mr. HILL. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.J. Res. 37 and H.J. Res. 66.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3575

Mr. ROSS. Mr. Speaker, today I learned that I have been listed as a cosponsor of H.R. 3575, something I was not aware of and I did not ask to be cosponsor of, and I ask unanimous consent to have my name removed as a cosponsor of H.R. 3575.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

BUSH ECONOMIC POLICY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, Vice President CHENEY came to my home State of Ohio last week to try to explain the Bush economic policy, visiting a State with high unemployment, a State that has lost 200,000 jobs since President Bush took office, a State that has lost one-sixth of its manufacturing jobs and a State that has lost about 190 jobs every single day of the Bush administration.

His answer to every economic problem is more tax cuts for the wealthiest people. Somebody making a million dollars gets a tax cut of $125,000, hoping it will trickle down to create jobs and more trade agreements like NAFTA, which instead have simply shifted jobs overseas.

We need to change direction on this economy. It is not working in Ohio. It is not working in the industrial Midwest. We need a better manufacturing policy that pays attention to American manufacturing but does not shift jobs overseas.

OIL-FOR-FOOD FRAUD

(Mr. PEARCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, tonight we are going to begin to look at one of the most far-reaching scandals that our generation has seen. The Oil-for-Food fraud is possibly the largest scandal in the history of the United Nations. We have got several speakers who are going to address the situation there where the United Nations Security Council possibly changed the votes in order to benefit themselves and certainly became very close to this scandal of tremendous proportions. Iraqi individuals appear to have bribed or coerced members of the U.N. who are administering the program.

Mr. Speaker, it is a shame that this issue is only being addressed by one side of the House. I would request that my colleagues on both sides begin to talk about the Oil-for-Food scandal, which possibly reached $10 billion and certainly affected the U.N. votes as we considered going to war with Iraq.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

DRUG REIMPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, while Congress is working to provide affordable pharmaceuticals to American citizens through reimportation legislation, the Bush administration is working to undermine those efforts. We will soon vote on the United States-Australia Free Trade Agreement.

Article 17.9.4 of the U.S.-Australia Free Trade Agreement would allow pharmaceutical companies to prevent imports of drugs to the United States. That means the Australian Free Trade Agreement is directly inconsistent with provisions in the bipartisan drug reimportation bill sponsored by Senators DORGAN, MCCAIN, SNOWE, LOTT and DASCHLE. Under its comprehensive pharmaceutical benefits scheme, the Australian government negotiates today lower prices for its citizens through mass procurement. In other words, they use volume purchasing.

The U.S. pharmaceutical industry has made sure that our government cannot use mass procurement to bring down drug prices for U.S. citizens, and that is not good enough.

□ 1900

Now they want to go a step further.

The U.S. Trade Representative's office, the President's person at the trade table, has included language in the Australian Trade Agreement that will forbid importation of cheap, affordable and safe Australian pharmaceuticals into our country. The clear winners as always in this Congress, as always in the White House, the clear winners are the large pharmaceutical companies; and the big losers, again, as far as prescription drugs and the Republican leadership, the big losers are American consumers, particularly millions of American retirees who lack drug coverage.

The Bush administration and its pharmaceutical allies argue the only way to ensure lower drug prices for Americans is by raising drug prices on every other nation, ostensibly because these nations are not helping to pay for research and development. That argument is not just specious; it is absurd.

Foreign drug prices already are high enough to cover research and development costs and still return a healthy profit to the drug industry. If you do not believe me, look at Pfizer's balance sheet, look at Pharmacea's balance sheets, look at Merck's balance, look at Schering's balance sheet.

Glaxo is headquartered in England. Aventis is headquartered in France. Bayer is headquartered in Germany. Would these companies set up shop in a country where they cannot do business and make a profit? What if other companies do increase their drug prices? Do we really think the drug industry is going to turn around and reduce their prices just because they can get higher prices in Europe? Not on your life.

Drug companies charge U.S. companies outrageous drug prices for one reason and one reason only, because they can. The Australian Trade Agreement simply helps them get away with it in that country too. Drug industry profits to $59 billion. Last year the drug industry has been virtually the only industry in America left unscathed by the

Bush recession. Year after year after year they earn higher profits than any other industry in America for 20 straight years. Meanwhile, drug spending is fueling double-digit increases in health insurance premiums, drug spending is draining tax dollars out of the Federal Treasury hand over fist, drug spending is undermining the financial security of millions of seniors who have to choose between a full prescription drug dosage and their food or their utility bills.

Meanwhile, other countries are fighting back all over the world, but our government is not. Instead, at the behest of the drug industry, the Bush administration is trying to undermine price negotiations in Australia and block lower price prescriptions from even reaching our country.

Catering to a major campaign contributor like the drug industry is nothing new to this administration, but is it not getting a little ridiculous. If trade agreements are about creating open markets for cheaper goods and better market access, why are we trying to do something the opposite of that? Why are we trying to raise the price of prescription drugs across the world? The answer is easy: the pharmaceutical industry wants to make more money and the Bush administration and Republican leadership want their campaign help.

Enough is enough. A vote for the Australia Free Trade Agreement is a vote against U.S. consumers. It is as simple as that.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4759, UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–602) on the resolution (H. Res. 712) providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4634

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Texas (Mr. GREEN) as a cosponsor of H.R. 4634.

The SPEAKER pro tempore (Mr. GINGREY). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

(Mr. GUTKNECHT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

TELL AMERICA THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, this week had barely begun before three more U.S. soldiers died in Iraq. The U.S. casualties keep mounting and that is a tragedy, but this administration remains silent on a coming travesty in Iraq.

The President's appointed interim Iraqi government is preparing to offer amnesty to Iraqi insurgents, amnesty to the very people who are killing and wounding U.S. soldiers in Iraq. Our soldiers remain on patrol in the most dangerous place on Earth; and the snipers, bombers, and militants are about to be offered amnesty. What in the world is going on in this administration? Is this what the administration calls the road to peace? What is the President going to tell the families of every U.S. soldier killed or wounded in combat? What is the President going to tell the U.S. people?

The interim Iraqi government was created by the U.S. administration, make no mistake about that, so no one should think that this policy was not put in place without the express approval of the White House.

Now, Iraq says it is in their national interest to offer amnesty to the very insurgents U.S. soldiers have been battling day by day. This administration had no reason to start a war with Iraq. This administration had no plan to prosecute the war with Iraq, and now this administration demonstrates it has no plan to end the war in Iraq. What do we say to the dead? What do we say to the families of those who died? What do we say to the soldiers injured by roadside bombs and mortar attacks and snipers?

Is this the President's exit strategy in Iraq? 160,000 soldiers remain in harm's way in a country that is about to offer amnesty to the people who are attacking them. If the interim Iraq government can offer amnesty, why can the U.S. not offer every U.S. soldier the option to leave? If Iraq's insurgents are offered freedom, why are U.S. soldiers not offered the freedom to choose whether they stay?

Why will the people shooting at U.S. soldiers get special treatment while our soldiers get stop loss orders, forcing thousands of them to remain in harm's way. What in the world is going on in Iraq? We have to be brave enough to accept our people and embrace all Iraqis. That is a direct quote from Iraq's interim President, Sheikh Ghazi al-Yawar.

So much for the U.S. being seen as a great liberator. Even the interim government sees the U.S. as an occupier. So in their view it is okay to cut a deal with the insurgents. It is a statement about the instability of the entire country and the inability of the government to do anything about it. It is the most glaring statement yet that the administration was completely wrong in its need to go to war and unequivocally wrong with the consequences of post-war Iraq.

There have been more U.S. casualties since the President's declaration of ''mission accomplished'' than during all the major combat operations. Now the world has become even more dangerous and no amount of denial will alter the images of the Iraq prison.

Why talk about this shame again? Because it is entirely possible that this administration continues to ignore the most fundamental international protection for every prisoner. Abu Ghraib showed the world that the Geneva Convention was something the administration left out of the Iraq war plan. After those revelations, the administration made sweeping statements about their support of the Geneva Convention. Yet just today, the International Red Cross said it fears this administration is secretly holding more prisoners around the world.

Quoting a Red Cross spokesperson, ''Some of these people who have been reported to be arrested never showed up in any of the places of detention run by the U.S. where we visit.''

How bad does it get before the administration follows international law? Who does the administration think benefits from its failures to protect prisoners and follow international law? The International Red Cross tried to work behind the scenes before the Abu Ghraib scandal. The administration ignored them. The Red Cross tried to act as a catalyst for positive change in the wake of the scandals. Today's news makes clear the administration still believes it can flaunt international law. There can be no peace without justice, Mr. President, not in Iraq or anywhere else.

Justice begins by treating prisoners we capture in the same way, with the same rights that we would expect to be extended to an American. Justice delayed is justice denied. Act now before another day goes by. Give the International Red Cross unrestricted access to every secret U.S. location where prisoners are being held. Prove once and for all that America stands for human rights and justice. Let the Red Cross see and the world know if America is true to its words. Let the Red

Cross see and the world know if the prisoner abuses have stopped.

Do not tell the world the administration supports the Geneva Convention. Do it by following the Geneva Convention. One call, Mr. Speaker, is all it would take for the President to let the Red Cross in and the world know. Our soldiers deserve nothing less. Our Nation demands nothing more than the truth.

We only have 112 days left of this administration, but that is a long time if you are serving in Iraq under a stop loss order. The President has got to act to protect our people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. PEARCE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

OIL-FOR-FOOD SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico (Mr. PEARCE) is recognized for 5 minutes.

Mr. PEARCE. Mr. Speaker, the Oil-for-Food fraud is possibly the largest scandal in the history of the United Nations and one of the greatest financial scandals of modern times. Set up in the mid-1990s as a means of providing humanitarian aid to the Iraqi people, the U.N.-run Oil-for-Food program was subverted and manipulated by Saddam Hussein's regime, allegedly with complicity of U.N. officials to help prop up the Iraqi dictator.

Saddam's dictatorship was able to siphon off an estimated $10 billion from the program through oil smuggling and systematic thievery by demanding illegal payments from companies buying Iraqi oil and through kickbacks from those selling goods to Iraq, all under the noses of U.N. bureaucrats.

Members of the U.N. staff that have administered the program have been accused of gross incompetence, mismanagement, and possible complicity with the Iraqi regime. Benon Sevan, former executive director of the Oil-for-Food program appeared on an Iraqi oil minister list of 270 individuals, political entities and companies from across the world that allegedly received oil vouchers as bribes from Saddam Hussein's regime.

The U.S.'s General Accounting Office estimates that the Saddam Hussein regime generated $10.1 billion in illegal revenues by exploiting the Oil-for-Food program. These figures include $5.7 billion from oil smuggling and $4.4 billion in illicit surcharges on sales and after-sales charges on suppliers.

Without a shred of evidence, European and domestic critics have frequently derided the Bush administration's decision to go to war with Iraq as an oil grab driven by U.S. corporations such as Halliburton. They ignore the reality that the leading opponents of war at the U.N. Security Council, Russia and France, had vast oil interests in Iraq protected by the Saddam Hussein regime.

The Oil-for-Food program and its elaborate system of kickbacks and bribery are a major source of revenue for many European politicians and business concerns, especially in Moscow.

Mr. Speaker, the role of Congress should include first of all the strengthening of the Paul Volcker Commission of Inquiry. It should ensure that the Iraqi interim government and congressional investigators are able to conduct an effective and exhaustive investigation in the Oil-for-Food program. It should push the administration to ensure that the Oil-for-Food scandal is thoroughly investigated. It should keep the international spotlight on Oil-for-Food, encouraging foreign governments to launch their own investigations. It should increase the likelihood of serious reform at the U.N., including significant safeguards to prevent repetitions of its failures. It should limit the role of the United Nations in shaping the future of Iraq.

Mr. Speaker, the most effective way to ensure that the United Nations fully cooperates with its own commission of inquiry, which has received veiled threats if it continues to probe, the most effective way that we in the United States can deal with that inability to do its own investigation is threaten to reduce funding from the U.S. to the U.N., specifically the United States's assessed contribution.

Mr. Speaker, the U.N.'s dismal and allegedly corrupt handling of the Oil-for-Food program should lay to rest any notion that the organization can be entrusted with shaping the future of the Iraqi people. Many Iraqis regard the U.N. with suspicion, lacking both legitimacy and credibility.

Iraqis have bitter memories of Secretary General Annan's February 1998 statement to reporters, ''Can I trust Saddam Hussein? I think I can do business with him,'' said Mr. Annan.

□ 1915

The Benon Sevan letters give us evidence that the former director of the Oil-for-Food Program interfered with congressional investigations. Specifically, Sevan wrote several letters on official U.N. stationery warning some of the companies implicated in the scandal that they must first seek U.N. approval before releasing documents to investigators.

Mr. Speaker, the Security Council had heated debates over whether the U.S.-led war to liberate Iraq should proceed, but the resistance in the Security Council cannot remain separated from the Oil-for-Food scandal and the fact that influential politicians, major companies and political parties from key Security Council member countries may have benefited financially from the program.

The Al Mada list of 270 individuals, political entities and businesses across the world that allegedly received oil vouchers included no fewer than 46 Russian and 11 French names. The Russian Government alone allegedly received an astonishing $1.36 billion in oil vouchers.

The close ties between Russian and French politicians and the Iraqi regime may have been an important factor in influencing their governments' decision to oppose Hussein's removal from power.

Mr. Speaker, this Oil-for-Food scandal must come to the attention of the American public, and if it is only Republicans who will address it, we will do so.

SMART SECURITY AND POSTPONEMENT OF NOVEMBER ELECTION

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, DeForest Soaries, chairman of the U.S. Election Assistance Commission and a Bush appointee, and I emphasize ''and a Bush appointee,'' asked Homeland Security Secretary Tom Ridge to consider seeking the authority to postpone a Federal election. Specifically, he wants Ridge to push for legislation that will give his agency the authority to reschedule the November 2 Presidential election in the event of a terrorist threat or attack sometime near the election.

As a result of his request, the Department of Homeland Security asked the Justice Department's Office of Legal Counsel to analyze what steps would need to be taken to postpone this year's Presidential election, what steps would need to be taken to postpone this year's Presidential election.

Mr. Speaker, this is nothing short of outrageous. I am appalled that this request is even being considered. The postponement of a Presidential election would present the greatest threat to date to our democratic process. It would be an admission of defeat to the terrorists, inviting them to disrupt this election of our highest leader.

Mr. SKELTON. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I certainly agree with the gentlewoman and wish to point out the fact that during the War Between the States the Presidential election continued on.

Ms. WOOLSEY. I am going to actually address that in a little bit.

It would also be unprecedented in our Nation's history.

Actually, in early 1864, as the gentleman from Missouri (Mr. SKELTON) just referred, President Abraham Lincoln feared that he would lose the Presidency due to widespread criticism of his handling of the Civil War. No President had won a second term since Andrew Jackson more than 30 years prior, and the Union had recently suffered a string of military disappointments.

Many of Lincoln's closest advisers urged him to postpone the election, but Abraham Lincoln never even considered that possibility, nor should we.

In response to calls for postponing the Presidential election, President Lincoln said the following in November of 1864: ''We cannot have free government without elections; and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have conquered or ruined us.''

The fight against terrorism, like the Civil War, will affect more than a generation of Americans, but we must be smart, smart about how we address the threat of terrorism, and we must make sure that in this long fight we do not lose what we are fighting for in the first place.

There must be a way to both fight terrorism and also hold on to democratic ideals that make our country great, and Mr. Speaker, there is.

I have introduced H. Con. Res. 392, the SMART security resolution, which provides a better way to address the threat of terrorism. SMART stands for Sensible, Multilateral, American Response to Terrorism.

Preventing future acts of terrorism, SMART security is more vigilant than the President on fighting terror. Instead of emphasizing military force, it focuses on multilateral partnership and stronger intelligence capabilities to track and detain terrorists.

Unlike the defective and obtrusive USA Patriot Act, SMART security focuses on tracking and arresting those involved in terrorist attacks, while respecting human and civil rights.

Terrorism is an international problem, we all know that. So the fight against terrorism must involve the international community. That is why SMART security calls for working closely with the U.N. and NATO to achieve its goal. Only by actively involving other Nations in this fight can we hope to prevent future acts of terrorism.

In the spirit of being smart about our national security, I have written a letter to Secretary Ridge that has been signed by over 100 Members of Congress requesting that Secretary Ridge take no further steps to postpone this year's Presidential election. Wars, droughts, floods and hurricanes have not stopped elections, and the possibility of a terrorist attack must not stop one either. We cannot forget that elections are the very basis upon which our great American democracy was founded.

To ensure that the upcoming Presidential election is not postponed by the alarmist Bush administration, I urge all of my colleagues to add their signatures to this important letter to Secretary Ridge.

FREEDOM OF POLITICAL SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I want to read a couple of statements from Bishop Smith of Trenton, New Jersey. The title of his little writing is called Bishop Smith calls for Freedom of Political Speech for the Catholic Church, and I would like to say that not only the Catholic church but the Protestant churches, the synagogues and the mosques in this country.

What I would like to read is: ''At the Respect Life Mass for the Diocese on March 27 in St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on politicians' positions on issues.''

He further stated or wrote: ''The First Amendment protects the free exercise of religion. Separation of church and state does not mean that the Church and its members should not voice or advocate for their positions. Separation of church and state is designed to ensure that there is no governmentally established religion.''

Mr. Speaker, I want to say that because whether this would be a bishop of a Catholic faith or a Protestant minister or a Jewish rabbi or a cleric, they have the same problem. Most people do not know that from the beginning of this great Nation until 1954 that there was total freedom. They did know that. What they did not know, which is what I meant to say, is that in 1954 Lyndon Baines Johnson introduced an amendment on a revenue bill going through the Senate that was never debated. There were no committee hearings. There was no discussion of his amendment. In fact, at the time, the Democrats were the minority and the majority leader accepted the Johnson amendment without debate, unanimous consent.

I want to further add that Dr. James Davidson, a sociology professor at Purdue University who I have spoken to by telephone a couple of years ago, I want to read from some of his research and writing. He says, ''The First Amendment speaks of religious freedom; it says nothing that would preclude churches from aligning themselves with or against candidates for public office . . . The courts also have never used Thomas Jefferson's celebrated 1802 metaphor about 'a wall of separation between church and state' to stifle churches' support of or opposition to political candidates.''

I share that with my colleagues because, just recently, the bishop of Colorado Springs, Bishop Sheridan, wrote a pastoral letter, three pages which I have and read many times. Never in his pastoral letter did he say anything about President Bush or Candidate for the Presidency KERRY or about Democrats or Republicans. He just reminded the Catholics in his diocese, about 125,000, that the church stands for protecting the unborn. They are opposed to stem cell research. It protects the elderly.

So, therefore, in his letter basically what he said was that we, as Catholics, we stand for protecting life, and we, as Catholics, should think carefully during this next election. But, again, he never said the name of any candidate. He never said the name of any party, but because he used the word ''pro-life,'' Barry Lynn, the Americans for Separation of Church and State, filed a complaint.

Well, one might say, well, Congressman, how can he file a complaint? He did not mention the candidate. He did not mention a party.

But what the IRS did in the early 1990s, they took the Johnson amendment and they expanded it through their rulemaking process, and now they have code words. Code words can be ''pro-choice,'' ''pro-life,'' ''liberal,'' ''conservative,'' ''Democrat'' or ''Republican.''

This, in my opinion, is not what this great Nation is about. It is not what we have men and women who have served this Nation during wartime from the beginning of America until today and tomorrow and as this war goes on in Iraq and Afghanistan, and yet these fine men and women that wear the uniform are there to protect freedom, not only to help the Iraqi people but freedom for the American people, and yet we have a law on the books that prohibits a member of the clergy from speaking out on the moral and political issues of the day.

Now, if this was 1953, Mr. Speaker, I would not even be on the floor, because there would be no problem. There was no law. But because of the Johnson amendment, we have elements in this country today that are on the extreme left that watch what our clergymen are saying about the policy and the politics of the day. I believe sincerely if the moral values of America are going to stand, then I believe that the freedom must ring in the churches and synagogues and the mosques of America, that they must have the freedom to speak freely about the issues of the day.

Again, I plan to be on the floor the next two or three nights and will continue to talk about this, because, as my colleagues know, outside of my office, 422, I have 12 posters. On each poster is about 60 faces of men and women who have died in Iraq and Afghanistan. I have it there for a main reason, to remind the American people that freedom, there is a cost, and,

therefore, we must, within the House and the Senate, do our part to protect the constitutional rights of the American people, and that includes those who are spiritual leaders of this country.

Mr. Speaker, I close by asking God to please bless our men and women in uniform and their families, and I ask God to please bless America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent to replace the gentleman from California (Mr. GEORGE MILLER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SHORTCOMINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, Saddam Hussein was a murderous despot in Iraq, and the world is better off without him. There is no disputing that fact. However, the Senate Select Committee on Intelligence report, all 511 pages, including the 15 percent that was redacted, raises very serious questions about the nature of the threat that Saddam Hussein posed to the United States that led to the first-ever preemptive war in the history of our country. Even the President says there were ''some shortcomings.'' Well, let us look at a few of the shortcomings.

The aluminum tubes that we were told was slam dunk evidence by Mr. Tenet of the CIA that they were going to separate uranium and enrich it misrepresented key evidence. It had nothing to do with uranium separation.

Uranium from Niger, obvious sign; a key document was forged, rather amateur forgery, actually.

The revised weapons program; the claim is not supported by the intelligence.

The mobile labs; withheld important information about the sources, lack of reliability.

This is the famous Curveball, showed up drunk at his one meeting with a U.S. intelligence representative and did not seem very credible. One upstanding individual over at the CIA wanted to raise concerns and go on record about how the fact he was not a good source, but the deputy chief of the agency's Iraqi task force said we can hash this out in a quick meeting. He rejected the worries as irrelevant.

□ 1930

Here is his quote: ''Let's keep in mind the fact that this war is going to happen regardless of what Curveball said or didn't said and that the powers that be probably aren't terribly interested in whether Curveball knows what he's talking about,'' the CIA official replied in an e-mail message obtained by the committee. Basically, they did not want to know that this was phony information.

Smallpox designer germs. Not supported by the intelligence, according to the CIA.

The drones. I saw pictures of the drones. They were these little patched-together things, and George Bush was talking about what a tremendous threat they were. Did not look like they could fly at all, and they certainly could not fly any distance. The head of intelligence for the Air Force, they know a little about planes, said, in fact, there was no credible threat connected to the drones.

The list goes on and on and on. And as the President says, there were some shortcomings. There were more than some shortcomings; there was an extraordinary distortion of very, very poor intelligence and minimal evidence that there was any threat posed by Saddam Hussein. In fact, the conclusion of this Republican Senate-led Select Committee on Intelligence is that the military of Saddam Hussein was on a horrible downward spiral, was incredibly degraded, had never recovered from the Gulf War, that the sanctions in the containment were working, and that he did not pose any credible threat to the United States nor even to Iran or some of his other neighbors.

But the President would still say, as he did seven times in 32 minutes yesterday, just to make sure people did not miss the message behind him, which was to show that American people are safer. Well, there is a real question about that since they put us on a higher terror alert. They are talking about postponing the elections. Postponing the constitutionally mandated elections, I do not know how they do that, but I guess it is part of his executive powers we do not know about, because of the threat posed by Osama bin Laden and al Qaeda, who have been over there regrouping and freely operating for the 2 years the Bush administration turned all our intelligence assets, the world's attentions, our military assets to Iraq.

And they say the world is safer? The world is not safer. In fact, he allowed those people to regroup and to raise a threat that is so grave that his Homeland Security Secretary is asking how we might be able to postpone the elections if we know 3 or 4 days before that George Bush is behind in the polls. No, no, I mean do we know there is a credible threat or there was a terrorist attack?

Now, there was one piece of evidence that was good. There is a guy named Zakawi; and he is a really, really bad guy. And Colin Powell pointed to where he was on the map. Guess where that was? That was in a little corner of Iraq, behind the Kurdish territory, which was overflown by the United States on a daily basis. Saddam Hussein could not get at that guy if he wanted to. But we could have, three times.

Three times the Pentagon asked to take out Zakawi, who is now responsible for killing maybe tens of hundreds of U.S. troops and Iraqis in a terrorist campaign, and three times the Bush administration said, no, you cannot take him out. Because if you take him out, it might disturb our recruiting for the war against Iraq that does not pose a threat to the United States of America. What incredibly misplaced priorities these people have.

If it is a war on terrorism, then go after the terrorists: Osama bin, al Qaeda, Zakawi. But, no, they distracted us into this war with Iraq in some bizarre neoconservative vision of the world, and many Americans have died because of their mistakes, and I fear that more might because he has allowed the terrorists to regroup.

U.N. OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Indiana (Mr. CHOCOLA) is recognized for 5 minutes.

Mr. CHOCOLA. Mr. Speaker, I find it interesting how night after night during this period of the evening we call Special Orders that my friends on the other side of the aisle come down and talk about allegations of scandals, of things like contracts with companies trying to help rebuild Iraq, outcries over misleading our Nation to war, charges of coverups and lack of cooperation; and so I would like to just address what the previous speaker talked about, which is this allegation that there is an attempt to delay the elections.

All the news reports I have seen in the last 24 hours is that there was never any request nor any really evidence of anybody trying to delay elections by any means at all. But sometimes we just do not let the facts get in the way of our opinions, and so we ignore those.

Mr. Speaker, I am going to ask my colleagues to imagine that there is a scenario like the following: imagine if the press had reported an alleged scandal that entailed $10 billion of illegal payments, and in that same article it was revealed that the head of the program that was the subject of those allegations was implicated and was suspected of directly participating in those illegal payments.

And then after this head of this program was implicated, he went back to the organization that he was running, and he sent out letters to all of the

companies that had contracts with this organization and said, now, remember, we have a contract that says you are not supposed to discuss any of our dealings with any third parties, and we will enforce that provision of our contract, and we expect you not to cooperate with anyone asking any questions. Now, that same contract said that we could waive this; but we are not inclined to do that, which means we really are not inclined to cooperate at all.

Also imagine if this same organization had done 55 internal audits and was now unwilling to share any of them with its stakeholders, the people that had invested in this organization, the people that were served by this organization. The people that had a stake in this organization were not allowed to see any of these internal audits because none of them were allowed to become public.

Now, if this had actually happened, I think there would be a great outcry, especially from my friends on the other side of the aisle. But, Mr. Speaker, the reality is that such a scandal truly exists, so we do not have to imagine a thing.

The Iraqi Free Press. Let me say that again. The Iraqi Free Press, which did not exist 18 months ago because there was no such thing as the Iraqi Free Press, broke a story about the U.N. Oil-for-Food scandal, which could potentially turn out to be the largest scandal in history. In that report they said there was a gentleman named Sevan, and possibly Benon Sevan, who ran the Oil-for-Food program, who may have gotten some of these illegal payments. And this same Mr. Sevan wrote to all of the U.N. contractors saying, now, remember, we have this clause that says you cannot discuss the details of our relationship with any third parties.

Now, Mr. Speaker, I would think that the U.N. would want to cooperate with an investigation; and if they truly wanted to cooperate, they would waive the provision that is in the contract and say, go ahead and cooperate with anyone who is investigating appropriately this matter, and do not worry about that provision because we really want to understand the truth in this matter.

Mr. Sevan will not allow the member states of the U.N. to see those 55 audits to understand exactly what was happening internally in the U.N., and specifically with the Oil-for-Food program.

Mr. Speaker, there is a ray of hope in this story. And the ray of hope is that former Federal Reserve Chairman Paul Volcker has recently been appointed to investigate this matter. He is a highly respected man and I am sure will do a very good job.

The most important thing we do is not engage in a bunch of rhetoric and outcry and charges and allegations. The most important thing we accomplish here is to actually get to the root of the problem and understand the facts and understand exactly what happened here and understand whether the allegations are true: that $10 billion has somehow disappeared, money which was specifically supposed to go to help feed and provide for the health care of the Iraqi people because they are the ones that will ultimately suffer as a result of this scandal. They were supposed to be provided for with the oil riches of their nation in food and oil, and it appears that others used those riches for their own self-gain.

So I encourage all the Members of this body to express not outcry but sincere concern about this issue and use all the resources that we have at our disposal to make sure the U.N. cooperates in the Oil-for-Food scandal investigation and provides Chairman Volcker with all of the information and all of the resources that he needs so that we can thoroughly and properly investigate this matter.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DO NOT POSTPONE THE NOVEMBER PRESIDENTIAL ELECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, almost 4 years ago, President Bush came to the office of the Presidency having lost the popular vote in this country by over 500,000 votes, having endured a disputed election in Florida, where there were multiple charges and accusations of fraud and people being denied the right to vote. We had the involvement of the Supreme Court for the first time, I believe, in our Nation's history in making a decision basically to stop the counting of votes in Florida. And so the President came to office under these very unusual circumstances.

I think all of us, all of the country recognized that there was a need for healing in our country, and we hoped that President Bush would do what he promised to do during his campaign: that he would be a uniter, not a divider; that he would govern as a compassionate conservative. But the fact is that President Bush has governed from the far right of his party, and he has perhaps been the most divisive President in recent history.

We all know also that on September 11, 2001, our country was attacked and all Americans pulled together at that time. It was a time when the President had a unique opportunity to mobilize the world in the fight against terrorism. But rather than do that, he chose to go his own way, to use intelligence data that was inaccurate, I believe exaggerated and manipulated, in order to convince the American people that there was a threat from Iraq, when we now know that the real threat continues to come from al Qaeda and the terrorist network headed by Osama bin Laden, who I would remind all of us is free tonight to plot the next attack upon our Nation.

In the last few hours, something has happened that alarms me, and I think will alarm the American people as they find out about it. Earlier this week, the U.S. Elections Assistant Commissioner, who is a Bush appointee, asked the Homeland Security Secretary, Mr. Tom Ridge, to consider seeking the authority to postpone a Federal election. As a result, the Department of Homeland Security has asked the Justice Department's Office of Legal Counsel to analyze the steps that would be needed to postpone the November Presidential election.

Mr. Speaker, this is an outrage. The postponement of a Presidential election would present the greatest threat to date to our democratic process. It would be a capitulation to the terrorists, inviting them to disrupt the selection of our highest leader, and it would be unprecedented for a Presidential election.

Not even the Civil War stopped the 1864 Presidential election from taking place. I quote from Abraham Lincoln, November 10, 1864: President Lincoln said, ''We cannot have free government without elections; and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have conquered or ruined us.''

In early 1864, President Abraham Lincoln feared that he may lose the Presidency because of widespread criticism of his handling of the Civil War. No President had won a second term since Andrew Jackson, more than 30 years prior, and the Union had recently suffered a string of military disappointments.

□ 1945

Under those conditions, many of Lincoln's closest advisers urged him to postpone the election so that he could focus on the war effort, but Abraham Lincoln never even considered that possibility, nor should we.

The fight against terrorism, like the Civil War, will affect more than a generation of Americans. Let us make sure that in this long fight against terrorism we do not lose what we are fighting for in the first place. I do not know that this would happen, but I think the American people need to be paying attention. Would it be possible that shortly before the elections the residing party in power determined that things were not going so well, would there be a temptation under those circumstances to find some reason to justify postponing the election? We should never even consider such a possibility. I call upon the President to reject this suggestion, and I call upon this Congress to stand together as Republicans and Democrats to say we are

having our Presidential election on November 2, regardless of what the terrorists may seek to do.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Missouri (Mr. AKIN) is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, there have been charges over the last number of months, even the last year or two, of various kickbacks and mismanagement of different businesses and different kinds of things that are going on that I have heard from the Democrat Party, but it is interesting that there has been a stony silence when it comes to the biggest scam which is now emerging, the biggest scam in many, many years. It involves not only kickbacks and bribery but it involves even murdering various individuals. I am talking about the new evidence that is emerging on the Oil-for-Food program.

As the Members are perhaps aware, the Oil-for-Food program was a very large program administered by the United Nations. Its purpose was to try to provide humanitarian aid for the Iraqi people and so Saddam was allowed to sell some oil and the oil was supposed to be translated into food which was supposed to get back to his people. What is now emerging and has been emerging for some time is that the United Nations staff that have been administering this program is guilty of gross incompetence, mismanagement and probably complicit with the Iraqi regime in perpetuating the biggest scandal in United Nations history.

It was the largest U.N.-administered program anywhere in the world, that collected a 2.2 percent commission on every barrel of oil sold, and those dollars were put into the Banque Nationale de Paris. According to a February, 2004, article in the New York Times, it says that that money was ''an open bazaar of payoffs, favoritism and kickbacks.''

Why have we not heard more complaint about this? Why have we not heard complaint that the U.N. is trying to bottle up this information and not allow anybody to check into where this money was going? Particularly why is it that the Democrat Party would want us to turn Iraq over to the United Nations, the very people that are in the middle of perpetuating this scam? I do not understand that.

The emerging evidence suggests that corrupt politicians and businesses throughout the world benefited from this Oil-for-Food program and they kept the Iraqi dictator in power. Those who benefited from the corruption have been listed, some of them prominent United Nations officials, including the son of Secretary-General Kofi Annan. The list includes no fewer than 46 Russians and 11 French names. The close connection between French and Russian politicians and the Iraqi dictator suggests at least one reason why these governments worked so hard to undermine American efforts to enforce the U.N. resolutions and ultimately remove Saddam from power. In fact, what we find is that documents that were discovered in the wreckage of the Iraqi foreign ministry reveal that the French were sharing the contents of confidential meetings and diplomatic traffic from Washington. Details of talks between French President Chirac and President Bush were also reportedly passed on to the Iraqi foreign ministry by French diplomats in Baghdad.

Yet I cannot understand, why would the Democrats criticize us for not obtaining support from the Russians and the French? The Russians and the French were skimming billions of dollars in a huge scam, and there was absolutely no financial reason for them to want to enforce the United Nations sanctions or to join America in messing up their cozy little deal.

I believe the United States should push for an exhaustive and independent investigation of the Oil-for-Food Program. I think Congress should consider linking our continued funding of the United Nations to long overdue reform and the prosecution of the U.N. officials who were taking part in this program.

In January of 2004 in the State of the Union address, President Bush asserted that America will never seek a permission slip to defend the security of our people. I am glad that he did not need a permission slip, because if we were waiting for the United Nations and for France and for Russia, we would still be waiting. The participation by undermining U.S. efforts in the war on terror is dramatic. Those who, like JOHN KERRY, would seek a permission slip from the U.N. need first to answer the question why the American people should trust their security to an institution whose largest humanitarian program benefited anti-American businesses and political elites, rather than the Iraqi people, a U.N. run by leaders who are part of the biggest scandal in United Nations history.

This needs to be discussed, and we need some answers before we continue to put American dollars into funding a United Nations who was working completely against the interests of the Iraqi people and the interests of freedom around the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE NATIONAL YOUTH SPORTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today as national cochair to honor the outstanding work of the National Youth Sports Program in my home State of Wisconsin and the 200 programs throughout the Nation and to recognize the essential role NYSP plays in children's lives during those crucial weeks during the summertime.

For 35 years, NYSP has brought organized athletics and academic courses in math and science into the summer routines of low-income children aged 10 to 16. For 5 weeks, children learn leadership skills and work to develop strong moral character through sports. Furthermore, NYSP provides students with education in substance abuse prevention, career instruction and perhaps their first comprehensive physical. In addition, students receive a hot, well-balanced USDA-approved meal each day.

As a former college quarterback and a father of two little boys, I know the opportunity that sports can have on positively impacting the lives of our children. Thanks to NYSP, a soccer field, a basketball court, a swimming pool turns into classrooms. The lessons in these innovative classrooms are civility, teamwork and responsibility.

Mr. Speaker, it is our duty as policymakers to preserve these vital opportunities. It is in the interest of our children and our country to do so.

For proof of the importance of the National Youth Sports Program, I invite the Members to look at two participating institutions that I had the opportunity to visit recently from my home district in western Wisconsin.

At the University of Wisconsin-La Crosse, over 300 children participate in NYSP each summer. In addition to excellent athletic and academic instruction from a dedicated staff, these children have participated in a ropes course to foster higher self-esteem, have been treated by local physicians and dentists free of charge, participated in the DARE and GREAT programs with local police officers, and have painted over graffiti found on public property. The NYSP at the University of Wisconsin-La Crosse is enriching the lives of low-income children while simultaneously enriching the community as a whole. I would like to take this opportunity to thank program director Mary Beth Vahala and the many community volunteers, including Dr. Richard Foss and Dr. Holly Grimslid for their integral role in the success of NYSP at La Crosse.

The NYSP at the University of Wisconsin-Eau Claire, directed by Dr. Bill Harms and Mr. Tom Pratt, has been consistently ranked as one of the top summer programs in the entire Nation. Every summer, over 500 children learn to live the NYSP creed, ''to walk tall, talk tall and stand tall.'' In addition to a wonderful selection of standard athletics at the University of Wisconsin-Eau Claire, students spend time each day studying math and science in an effort to teach the importance of these

subjects at a young age. Under the excellent tutelage of coordinators Ms. Sunshine McFaul and Mr. Jayson Leslie, students discover the value of math and science in their lives. I also want to thank and commend NYSP's national director Dr. Gale Wiedow for his terrific leadership of these 200 programs throughout our Nation.

Mr. Speaker, these two fine programs in my home district in western Wisconsin are indicative of the quality of NYSP as a whole; and I am thankful for the dedicated staff and volunteers that make it happen. Unfortunately, the President proposed to eliminate NYSP program funding in the next fiscal year's budget. Fortunately, however, NYSP has enjoyed wide bipartisan support in Congress.

I also want to thank my good friend and colleague from Buffalo, New York (Mr. QUINN) for cochairing the National Youth Sports Program with me in recent years. He has been a terrific advocate of youth generally and of NYSP specifically. I appreciate his hard work in going to bat for this program. He will be sorely missed in this Chamber, and we all wish him a happy retirement.

Tonight I stand with thousands of children to thank the Committee on Appropriations for fully funding NYSP, and I urge my colleagues to remember the value of athletics and academics in our children's lives and the important role NYSP plays in delivering both during the summer months.

Mr. Speaker, the legendary coach of the Green Bay Packers, Vince Lombardi, once famously said, ''Once you learn to quit, it becomes a habit.'' The National Youth Sports Program teaches children not to quit, and it is our responsibility not to quit on them.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. First, just a couple of minor observations on the debate so far tonight. We heard earlier the gentleman from Oregon mention that the Pentagon on three separate occasions believed that they could strike and eliminate a terrorist who was a threat to the United States. I would just caution the gentleman to be very careful lest he be considered as advocating a preemptive unilateral act of war against a resident alien in his sovereign host country.

Also, on the previous mentioning of plans, whether real or not, that explored potentially delaying the election, I, too, would just like to say that I would oppose any plan to delay an American election. But I also think that it is important to remember that in the 1864 election Abraham Lincoln did not spend a lot of time personally campaigning to win the votes of southern voters, as my understanding is that those people chose not to participate in that election. The distinction which is critical would be, then, that while the southern States in rebellion chose not to participate in the Presidential election, there may be many Americans who, through an act of terror, may be precluded against their will from participating in an American election.

So if we are done with the rhetorical flourishes of partisanship, perhaps there would be some who would like to explore a responsible policy approach and instead think of if an urban center, which are primarily the targets of the terrorists, would be attacked, we do not suspend the date of the election but perhaps the election could be extended until those people could be given their American constitutional right to vote in that election. I say that as a Republican knowing full well that my party does not do well in large urban areas, but I say that as an American respecting the rights of my fellow citizens to be able to participate in the choosing of their national leadership.

On to the point that I wish to talk about. Mr. Speaker, in addition to playing host to the United Nations, United States taxpayers provide 22 percent of the United Nations' core funding. It is not, therefore, inhospitable nor unwarranted for U.S. taxpayers to demand a full and fair accounting of the U.N.'s $111 billion Oil-for-Food Program, especially when, as revealed in a May 6 article by Hudson Institute Fellow Claudia Rosett, the U.S. Treasury Department has designated one of the Oil-for-Food contractors as a front group for senior officials of the Saddam Hussein regime.

Initial reports estimate over $10 billion has been stolen, misplaced and/or skimmed from this program that was designed to help the Iraqi people. Combined with the aforementioned front group/contractor, we may well have witnessed a U.N.-administered relief program result in food being torn from the mouths of victimized Iraqis and placed in the pockets of Saddam's executioners and their contemptible, utterly corrupt international co-conspirators.

We in the world demand and deserve answers, Mr. Speaker, and yet we have been met by a stone wall of resistance and a wealth of stealth on the part of the United Nations. Excuses abound for the cover-up, the two most noticeable being that it is an institutional response. I am sure that they culled that from the old records of Tammany Hall. They also say that they will not release any of the 55 internal audits because of the, quote, sensitivity of member states. I think that the sensitivities of member states like the United States and the United States Congress which have repeatedly asked for these documents should be accorded as much as the purported sensitivity of states who may have something to hide.

□ 2000

If they do in fact have nothing to hide, if the intimidating letters to contractors and the untendered records to Congress may be belied, then to save its last lingering endangered chard of integrity, General Secretary Kofi Annan, with the stroke of a pen, can release all the requisite oil for food documents and shed transparency and truth upon this abominable fraud. And while the U.S. taxpayers might not hold our breath until he complies, we U.S. taxpayers must withhold our funding from the United Nations until he does.

SUPPORT AMERICA'S TROOPS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Missouri (Mr. SKELTON) is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, in families there are always very special occasions. Before I enter into my special order this evening, I wish to announce that in our family we have had a wonderful addition this past Saturday afternoon, July 10. Abigail Anding Skelton was born over here in Maryland. She is absolutely a gorgeous young lady, and we are very happy for her, her wonderful parents, her cousins and aunts and uncles, as well as grandparents.

Mr. Speaker, as Americans review the facts and decide whether it was prudent and necessary for the President to send American troops to invade Iraq, let me remind my colleagues and the citizens across our country that it is possible to respectfully disagree with the President and still strongly support our troops.

I believe that all House Democrats support our men and women in uniform and are committed to ensuring that they have the tools they need to succeed in Iraq and Afghanistan, wherever they may be serving in the defense of our country.

Over 466,000 service members are currently deployed to 120 countries around the world, and nearly half of those are serving and doing so in dangerous and often deadly conditions in the Middle East. While the majority of the troops deployed are on active duty, nearly 30 percent are citizen-soldiers from the National Guard, as well as the Reserve, who volunteered to serve our Nation. These men and women have volunteered to leave behind their families, their loved ones, jobs and communities to defend the freedoms that we hold so dear.

Over 150,000 Reservists and National Guardsmen are currently deployed, which is nearly 18 percent of the total Reserve force. Since September 11, over 215,600 Reservists and Guardsmen have served their Nation both at home and abroad. Not since the first Persian Gulf War have so many served under such arduous conditions for so long.

While 18 percent may not seem very high, let me put it in a bit different perspective. Over 40 percent of the

Army National Guard has been mobilized and close to 46 percent of the Army Reserve has been called to active duty. The Marine Corps Reserve has seen 61 percent of its forces back in uniform full-time. Let me tell you that the Coast Guard Reserve has tapped nearly all of its Reservists; 99 percent have been recalled to active duty.

Why is it important that so many of our citizen-soldiers have been activated? Because I want people to know that our Nation has been committed to military action that is taxing both active duty and Reserve troops to the limit.

This is not just my personal opinion. General Richard Cody, the Army's Vice Chief of Staff, last week testified before the Committee on Armed Services, and I said, ''Are we stretched thin with our active and Reserve component forces right now?''

''Absolutely.'' Those are the words of General Cody.

Beyond General Cody, I want to relate a personal story. I recently spoke with the spouse of an activated National Guardsman. She described how her husband was still in Iraq and had been extended beyond one year per the agreement when he was called. She flat stated to me that at the end of his enlistment, he was going to get out of the military.

Mr. Speaker, we simply cannot afford to lose these good people from our military, and I worry about the nature and extent of our commitments in Iraq and Afghanistan and what they will cause our service members to do, maybe leave and cause others not to reenlist.

We have the finest military in history, we really do, and we simply cannot afford to squander it. Now we have recently learned that the Army is deploying to Iraq the opposition forces from the National Training Center at Fort Irwin, California, and the Joint Readiness Training Center at Fort Polk, Louisiana.

What makes the deployment of these forces particularly alarming is these are the troops that train our everyday forces that are getting ready to deploy to Iraq. We are deploying the trainers, a measure of last resort. That shows just how much we have stretched our forces to the limit.

More importantly, I worry about the consequences. The troops that we send in harm's way in Iraq and Afghanistan may not have the training they need to succeed and to survive.

Mr. Speaker, as many in this House know, I have been advocating an end strength increase, more troops, particularly for the Army, since 1995, when our committee first received testimony that the Army could use an additional 40,000 troops. What troubles me is that the administration continues to oppose an increase in the end strength for the Army and the Marine Corps.

Fortunately, Mr. Speaker, both the House and the Senate defense authorization bills include provisions for additional end strength, and I am committed to a conference outcome that makes this a reality. I know that other Democrats on the committee share this goal with me.

Just 3 years ago, the President addressed the soldiers of the 3rd Infantry Division at Fort Stewart, Georgia. He told them that they were overdeployed and needed more support. Since then, the members of the 3rd Infantry Division have been deployed to Kuwait for training exercises for nearly a year, only to be extended for the war in Iraq. After spending nearly a year in the desert, they came back to Fort Stewart, only to undergo a significant structural transformation. Recently members of the 3rd Infantry learned that they will be returning to Iraq for perhaps another year's deployment.

If the 3rd Infantry Division was already overdeployed in 2001, how can we honestly look these men and women in the eye and ask them to continue these levels of deployment, with no help in sight? To do so risks breaking faith with our troops and destroying the world's finest Army. That is not the way that a Nation should treat its troops or the families.

The increased operational demands in the military are clear. They will continue for some time in the future. In fact, Deputy Secretary of Defense Paul Wolfowitz recently told our committee that we could have a substantial military presence in Iraq for years. Assuming he is right, we need to do something now to make sure that our operational commitments do not overstretch our military to the breaking point.

What I think we should do is support our troops by ensuring that we have the additional manpower necessary to carry out the missions we ask of them. This is one way we can show support for our troops and recognize the sacrifices that they have made in the war on terrorism. I am personally committed to seeing that we have enough troops to do the job that our country asks of them.

I now yield to the gentlewoman from California (Ms. LORETTA SANCHEZ) for comments she might make.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the ranking member of the House Committee on Armed Services for taking this hour to discuss what Democrats in particular have been doing for our troops.

The gentleman was so good in outlining the fact that our troops are now in over 120 countries in the world. We have about 161,000 troops deployed in Iraq and Kuwait. Almost 40 percent of those are Reservists and National Guardsmen. The fact of the matter is there has been stop-loss in these troops, which means that somebody who is ready to go out and has indicated that they are leaving the Armed Services are stopped from leaving because we need them to continue to serve.

Just recently, about 10 days ago, this administration said that it would call in the Individual Ready Reserve. Those are people who have already gotten out and are into their full-time lives and now are asked to continue back in.

So we really are at the risk of breaking the force. Too many tours, our families are hurting, they do not see their loved ones. Especially if you are a National Guardsman or Reservist and you have got your regular life going on, and all of a sudden you are plucked up and sent somewhere 6 months, then it turns into 12 months, then 18 months, and your family suffers because you may not get the same paycheck that you did in civilian life.

I know that Democrats on the committee, one of the things we have been doing something to try to make up that gap, so financially speaking, our families are made whole. Unfortunately, that is not included in this bill that goes to conference.

One thing that is included, however, is more troops to be trained for the future. We have 30,000 new positions that we have put into the bill for the Army and 10,000 new positions for the Marines. But, again, it takes time. That is over 3 years. It takes time to train these new members of the force to go and help us do the work that we have asked them to do.

There are so many things that we have actually done. Initially when we deployed into Iraq, not everybody had body armor, for example. I know in my own area, in Costa Mesa, California, we have one of the premier companies that makes ceramic armor, and we are working three shifts, seven days a week in the factory to try to get the armor to our people out in Iraq and Afghanistan.

I guess the last thing I would like to say is that our families, the families of the military, are hurting. I have been able now to go over to Korea and to Afghanistan and to Iraq and to Germany to see our families, and they ask, for how long? How much? Why do you bring my family member and take him back 2 weeks later? How long will he serve there? How long will she serve there? Why do you put them in Iraq for 6 months, and then tell them it is another 4 months, and pretty soon it is a year, and then you bring them back and you put them into Afghanistan.

So one of the things we are trying to do is make sure that the Pentagon and this administration makes better schedules, begins to plan better for our troops and for our families.

Mr. Speaker, I would just like to take the time to thank the gentleman from Missouri (Mr. SKELTON) for taking this time.

Mr. SKELTON. Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I would like to thank the gentleman from Missouri for organizing this special order and for yielding. I appreciate his leadership on the Committee on

Armed Services, and I am certainly proud to serve with him on that distinguished committee.

Tonight, Mr. Speaker, I join my colleagues to express our support and appreciation for our men and women in uniform who are doing an amazing job in Iraq, Afghanistan and throughout the world. The House Committee on Armed Services and this Congress have stood squarely behind them in their efforts and have endeavored to provide them with the resources and equipment they need to continue to be successful in the global war on terrorism.

As we travel through our districts, we encounter countless stories of appreciation of our men and women in uniform. However, their service often entails sacrifice. We hear from the families who spend extended periods of time away from their loved ones and often experience financial difficulties. We hear from employers who agree to rehire employees upon their return, but who struggle to fill the gaps until then.

□ 2015

We hear from representatives of our cities and towns who note that many of their first responders have been called up as part of the National Guard and Reserve. Our troops and all those in their lives are willing to make sacrifices for the defense of our Nation, but we must do our share to ease the burden wherever we can.

Last week, the Committee on Armed Services held a hearing on the next force rotation plans for Operation Iraqi Freedom and Operation Enduring Freedom. I am concerned that in an effort to meet needed troop levels, we will be employing strategies that will have adverse effects on our military in the long term. For example, despite widespread agreement that our National Guard and Reserve are shouldering a significant portion of the effort, we will actually be increasing their participation rates in the third rotation of Operation Iraqi Freedom to 43 percent of total forces, as compared to 25 percent in the initial deployments. Additionally, we are also calling up 5,600 members of the Individual Ready Reserve whose areas of expertise are sorely needed in Iraq.

I am concerned that such efforts, while allowing us to meet the needs of the coming year, will ultimately harm our military through lower recruiting and retention rates, particularly among the Guard and Reserve. The gentleman from Missouri (Mr. SKELTON) has led the charge for an increase in end-strength of our Armed Forces, and I look forward to working with him and the administration toward this vital goal.

At this time I would like to pay a special tribute to all of those who have made the ultimate sacrifice for their country. Rhode Island has mourned the loss of seven troops in Operation Iraqi Freedom, most recently Lance Corporal John J. Van Gyzen, IV, a brave Marine who served with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

On Monday, July 5, Lance Corporal Van Gyzen was killed by enemy fire during combat operations in the Al Anbar province of Iraq. Raised in Foster and West Warwick, Rhode Island, he later moved to Massachusetts and graduated from Dighton-Rehoboth High School in 2001, where he was a member of the track and field team. He followed in the footsteps of his grandfather, who served in the Navy in World War II, and enlisted in the Marines in October 2001. After completing boot camp at Parris Island, he joined K Company, Third Battalion, seventh Marine Regiment, as a rifleman. Those who knew him well recalled his sense of humor, his love of the outdoors, and his dedication to his family. I extend my deepest condolences to his parents, John and Dorothy; his stepmother, Jane; and his sisters, Bethany, Jessica, and Angel.

His loss causes us all to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of great danger. When their Nation called them to duty to preserve freedom, liberty, and the security of their neighbors, they answered without hesitation. We remember those who have fallen, not only as soldiers but also as patriots who made the ultimate sacrifice for their country. May we keep them and their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

Finally, let us all continue to hope for the safe return of all of our troops serving throughout the world and remember how truly fortunate and grateful we are for their service.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Rhode Island, the distinguished gentleman, a member of the Committee on Armed Services, for his remarks.

I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. It is such an honor to be here on the floor once again with the great men and women of the Committee on Armed Services to get an opportunity to address the United States House of Representatives and also the American people.

First of all, I would like to say that I am both proud and humbled by what our troops have been able to accomplish under the circumstances. I also think that it is in proper order for us to give them uplift in a time that this very Congress, the other body, released a report, intelligence report showing that the intelligence, that there is a very strong possibility that it was manipulated, manipulated to the point that many Members of this House, many Members of the other body, and the public, were led to believe that the circumstances were imminent as it relates to the threat to the United States of America, and that we had to forthwith go to war in Iraq with a preemptive strike.

I also think that the troops need uplift of the fact that the report, through the Department of Defense, said 25 percent of American lives could have been saved if we were prepared; not the troops, but this administration, with body Army and up-armor for their Humvees and vehicles.

I think they also need uplift to know that Democrats and some Republicans in this House are fighting for hearings to make sure that we have some level of accountability at the highest levels of the Defense Department and the administration, because we have men and women that have sacrificed not only their lives, but also many have sacrificed their freedom to be with their families.

I do not blame it on the troops, and I would not say that it is the troops' responsibility or fault about what is going on with the insurgency right now in Iraq. The troops will fight for 20 years if this country needs them to fight for 20 years. I think the bigger question comes down to in this democracy that we have, since we are traveling throughout the world trying to create new democracies and trying to create civilized governments, that there has to be some checks and balances, and it does not serve me any pleasure to say that right now in this effort in Iraq, I do not think the checks and balances are there.

I am glad that we were leader enough to come to the floor tonight to be able to share with the American people that we want our troops to know that there are Members of the Congress who will ask the ''yes, but'' question, that will ask the tough questions about equipment, that will ask the tough questions about intelligence and the fact that something happened between the CIA, what the Congress was told, and the role that the Bush administration played in it. This is not in any way being partisan; it is just laying the facts out the way we see them.

We also want the troops to know and their families to know that we want the situation to get to the point to where other countries will assist in Iraq, will assist in Afghanistan, and operations can get better, so hopefully Reservists and National Guardsmen that put their name on the dotted line, said they were willing to serve their country, that they will be able to come home in the very near future to be able to make a son or daughter's birthday, or to be able to see their families or loved ones or significant others.

Mr. Speaker, I think also it is very important for us to share with troop families that those of us in the Congress, I believe everyone in the Congress, that we feel for those wives and husbands and children when they are getting up to go to school in the morning, when they are getting ready to

now, this summer, to go to summer camp, and it goes over the TV. I have families in my district, they turn the TV off. I have one constituent who has two sons in the theater right now in Iraq, and they do not even watch the TV in the morning because they do not want to start the day off knowing that two or five or six troops were killed overnight, and they do not know if someone in a military uniform is going to knock on their door and tell them that it was their son, her son. I would say that there are Americans that cringe when they hear that, because it is quite personal.

So I want to say to those families that we appreciate their service. I want to say to those families that we will get to the bottom and the top of bad intelligence. We will make sure that our troops have what they need to have. But we need the opportunity to do so.

I implore, Mr. Speaker, as I close, the Republican leadership within our committee, the Republican leadership in this House, to allow the House Committee on Armed Services to do its work, to be able to have the witnesses that we need to have to ask the tough questions, to be able to know how much this effort in Iraq and also the lack of effort as it relates to, we just had a hearing on Afghanistan and the poppy plants being harvested earlier that is funding the Taliban to fight against our American troops, and it is the number one threat to this country and did have a connection to 9/11; asking those tough questions to people that had made the decision, not someone five tiers down within the Department of Defense, but at the very top of the Department of Defense, because the country's reputation is on the line.

Every veteran that suited up and went into war, need it be World War II, Korea, the Gulf War I, need it be when individuals went into theater in Granada, anytime that we got ourselves together in Vietnam, making sure that those veterans know that the rest of the world, we appreciate their service and that we will not allow individuals, because they want to make sure that other individuals do not take fault for what has taken place thus far with bad intelligence, going to war, not for the reasons why the country was told, and also losing so many lives in that process.

So I am proud that we are here. I hope that we can come to the floor even more. I hope that the American people understand that there are Members on this. And I do not want to even put partisanship on this, because I know that there are Republicans who feel the way that we feel on this floor, and we want to make sure that those voices rise to the top. For those individuals who may be standing in the door of oversight by this Congress, I hope that they do not take personally our quest and our need to be able to address some of the issues that are facing the needs of our troops in theater.

Mr. SKELTON. Mr. Speaker, I appreciate the comments of the gentleman from Florida. I might add that that is our job, the Committee on Armed Services and Congress, to have oversight of the military of the United States, to ask the tough questions, because we are the ones that give them the training, the education, the equipment, the materiel. That is what we do. If we do not ask the good, tough, honest, hard-hitting questions that come up from time to time, we are not doing our job.

So I thank the gentleman for raising that issue. It is not a partisan matter; it is a matter of constitutional duty that we ask questions and learn so we can be of even more help to those in uniform.

Mr. Speaker, I take great pleasure in yielding to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding, and I further thank him for scheduling this Special Order.

Mr. Speaker, our Armed Forces won an impressive victory in Iraq, but the Pentagon was poorly prepared for the aftermath. Three big assumptions proved wrong: one, that the Iraqi people would welcome us as liberators; two, that oil would soon pay for Iraqi's rebuilding; and, three, that we have plenty of troops, weapons, and equipment for the postwar situation.

American troops were left to tackle tasks that they were not trained to handle, but let me tell my colleagues, they rose to the challenge. While the situation is still ours to win or lose, it would be far, far worse if it were not for their can-do attitudes and their courage. They are doing their best and have been doing their best to stabilize a God-forsaken country and put Iraq back in working order, and they are doing it under extremely difficult circumstances with all too little credit or attention given to their successes.

No one in the Bush administration thought that now, nearly 14 months after the end of major hostilities in Iraq, that we would have 161,600 U.S. troops deployed in Operation Iraqi Freedom, 130,800 in Iraq, and 21,800 in Kuwait. We are about to embark on the third rotation of troops for the war in Iraq, which so far has involved the movement of 277,000 troops. Currently, Guardsmen and Reservists account for 40 percent of the Iraqi Freedom force; and following the upcoming rotation, the Reserve component will make up 43 percent. These are men and women who leave their jobs and businesses, their farms, not to mention their families, and serve tours longer than any of them ever expected.

In the first Persian Gulf War, the question was whether the total force would work, whether active and Reserve forces could fight and maneuver side by side. In this war, there is no question. Without the Guard and Reserve, our active duty troops could hardly deploy.

Whether active duty or Reserve, our troops face a daunting challenge. Security in Iraq is so bad that thousands of troops unfortunately, but probably, will have to stay for a long time to come to prevent this country from falling into a fractious, bloody civil war.

□ 2030

How did this happen? Poor assumptions, poor vision, poor planning. Ignoring State Department warnings, the Iraqi army was disbanded in May of 2003. With no other security forces on hand, U.S. military was left to confront, almost alone, an Iraqi insurgency and a crime rate that grew worse throughout the year, waged in part by soldiers of the disbanded army and in part by criminals who were released from prison.

The Army's Chief of Staff, Eric Shinseki, warned us that several hundred thousand troops would be needed to police post-war Iraq. What did he base that upon? Firsthand experience as the commander in chief of our multilateral force in Bosnia and Kosovo, several hundred thousand troops. Pentagon officials dismissed it the next day as wildly off the mark, fixing the figure closer to a hundred thousand. General Shinseki has been vindicated by what has happened.

Last August, our troops began training a new Iraqi army, a light infantry force of about 40,000 to be ready by this October, 2004. As of today, 7,000 to 9,000 have been trained, and when these troops are trained, it will still be far, far short of what is needed to maintain Iraqi security.

The situation in Iraq, unfortunately, differs dramatically from the rosy picture that was painted for us by expatriates before the war. During an interview with Meet the Press March 16, 2003, our Vice President, Mr. CHENEY, insisted that our troops would be welcomed as liberators. When asked what if we are viewed as conquerors instead, he said, ''Well, I don't think it's likely to unfold that way, because I really do believe that we will be greeted as liberators.''

What was his source? Well, he said, ''I've talked with a lot of Iraqis in the last several months myself, had them over to the White House.'' While some Iraqis did greet our troops as liberators with open arms, many did not, and aliens like Abu Musab Zarqawi took advantage of open borders and infiltrated Iraq to begin waging guerilla war.

Since the Pentagon underestimated the number of troops required after the end of hostilities, we were not prepared to prevent looting or to guard hundreds of weapons dumps spread throughout the country. So the looting destroyed key components of the Iraqi infrastructure, and stolen munitions are being used today in attacks on coalition troops and Iraqi civilians.

Because this violence was not anticipated, thousands of troops were sent to Iraq without adequate body armor and without up-armored vehicles. They were to be greeted as liberators, but, in

Iraq, 882 have been killed so far, and 5,394 have been wounded. In Afghanistan, meanwhile, 130 have been killed, 332 have been wounded.

Our troops are the best-trained, the best-equipped, the best professionals, the finest fighting force the world has ever seen. More than 300,000 of them have served in Iraq during Operation Iraqi Freedom, and over 40,000 have taken part in the conflict in Afghanistan, and despite blunders from above, the can-do determination of our men and our women in uniform never ceases to amaze me.

I traveled to Iraq late last summer, and I met with the Coalition Provisional Authority, with the Iraqi Governing Council, with U.S. commanders and with our troops. North of Baghdad in Mosul, the 101st Airborne Division was in charge. Its able commander, General Petraeus, calls this region the most viable region in Iraq, and he never missed a chance to salute his own troops.

He told us privately, ''I've seen our young soldiers endure tremendous hardship, overcome huge challenges, fight a tenacious, determined and even suicidal enemy, and demonstrate incredible innovativeness and compassion. It's just extraordinary,'' General Petraeus said.

The first 30 days of an occupation, everybody knows, are critical. General Petraeus spent the first 30 days training local security forces, fueling the economy by use of his commander's funds to create local jobs and to befriend Iraqis. In the 101st, troops were often dual-hatted as warfighters and peacekeepers, carrying a rifle in one hand and a wrench in the other, putting down insurgency on one front and winning hearts and minds on the other.

Let me give you another snapshot. Consider the 1st Infantry Division. Soldiers from the 1st Division delivered medical supplies, textbooks and journals to the Tikrit Hospital, the hometown of Saddam Hussein, and Tikrit University Medical School in particular. They delivered 150 boxes of textbooks donated by medical schools and medical students in the United States.

Prior to this restocking, the university has had to use photocopies from medical students and medical texts. Our contribution raised the library at that school to 50,000 volumes.

Another snapshot. Let me read a portion of an article by James Lacey, and I read it because there has been so much copy devoted to what is going wrong there, so much copy about the violence there and about the hopelessness of the situation, we really do need to look from time to time at the success stories and at the remarkable and aspiring examples of our troops.

Here is what Lacey, who was embedded with the 101st Airborne Division, wrote. ''Bravery inspires men, but brains and quick thinking win wars. In one particularly tense moment, a company of U.S. soldiers were preparing to guard the Mosque of Ali, one of the most sacred Muslim sites, when agitators in what had been a friendly crowd started shouting that they were going to storm the mosque. In an instant, the Iraqis began to chant and a riot seemed imminent. A couple of nervous soldiers slid their weapons into fire mode, and I thought we were only moments away from a slaughter. These soldiers had just fought an all-night battle. They were exhausted, tense, and prepared to crush any riot with violence of their own. But they were also professionals, and so when their battalion commander, Lieutenant Colonel Chris Hughes, ordered them to take a knee, point their weapons to the ground and start smiling, that is exactly what they did. Calm returned. By placing his men in the most nonthreatening posture possible, Hughes had sapped the crowd of its aggression. Quick thinking and iron discipline reversed an ugly situation and averted disaster.''

Since then, Lacey writes, I have often wondered how we created an army of men who could fight with ruthless savagery all night and then respond so easily to an order to smile and relax your weapons.

Mr. Speaker, pride in our troops is not a partisan issue. Democrats and Republicans alike support our military personnel. For our troops, this is tough, dangerous duty. And though morale is satisfactory, as General Cody acknowledged in the New York Times just a week ago, the Army, among others, because they are doing most of the heavy lifting now, is absolutely stretched thin. That is why when the supplemental providing $87 billion for Iraq and Afghanistan came before Congress, I proposed a package for the troops. Surely we could find a niche somewhere in an $87 supplemental for the troops and their families.

I proposed that we increase imminent danger pay, separation pay, that we give them R&R tickets that would take them all the way home and not to their last duty base. I proposed extra funding for family assistance, because it is grossly underfunded.

I am sorry to say it, but the Republican leaders of the House would not let my package be offered on the House floor. Parts of it, fortunately, ended up in the conference report.

In May, when we had the defense authorization bill before us, I offered another amendment to that bill to ensure that every sailor, every soldier, every airman and marine in the combat zone has $250,000 minimum life insurance paid for by the government itself and to fund several force protection measures, including the test and evaluation of new technologies that would neutralize these horrible devices called improvised electronic devices, roadside bombs, that have killed and maimed so many, I offered some money to boost that particular research. Once again, my amendment was not even made in order to be debated, at least debated on the House floor.

As costs mount, in lives and dollars, it is natural to second guess, but one lesson I hope we have learned is that the U.S. cannot go it alone in a policy that leaves American troops taking all the risk and American taxpayers paying all of the costs.

Our country, the United States of America, may be the world's largest economy and the world's only superpower, but we stretch ourselves dangerously thin by taking on commitments like Iraq with only a motley band of allies to share the burden.

The cost of the first Gulf War came to $80 billion in today's money. Our allies picked up $60 billion through cash contributions. $16 billion was provided us in kind, petroleum and food and other things, mainly by Persian Gulf countries. That left us $4 billion out of pocket for an $80 billion war. This war so far has cost us $125 billion and counting, because largely we decided to do it on our own, with only the United Kingdom as a paying, fully participating partner.

I may disagree with the administration over aspects of this war, and particularly going it alone, not building a broad-based coalition to support whatever we have done, but I want to tell you, Mr. Speaker, in closing, that I stand second to none in supporting our troops.

Because of that and because I recognize how stretched we are, I am all for an increase in Army end strength of at least 30,000 and in Marine end strength at least by 9,000.

But, you know, Mr. Chairman, the test of our support is not what we see but whether or not we pass legislation that backs up what we say, that gives our troops the tools they need to execute their mission successfully and gives their families the resources they need to have peace of mind and security. We owe them no less, for they make this country the land of the free and the home of the brave.

Mr. SKELTON. Mr. Speaker, in closing, let me thank the gentleman from South Carolina for his excellent contribution today, as well as his outstanding contributions in the committee. We are the grandest civilization ever known in the history of mankind. As the gentleman from South Carolina just mentioned, we are the best. We have the finest military, strongest economy, and all of us at this time should realize what we really need to have for success in this war, this guerrilla warfare in Iraq and the war against terrorist in Afghanistan.

To begin with, we need additional troops. We must do our very best to make sure they have the equipment and the training and the munitions, but, more than that, we must let them know we support them with our words as well as with the deeds that we do here in Congress. And I would be remiss if I did not say that we should also say a special word of thanks to those wonderful families who support them, who are here at home hoping to

hear from their loved one in Iraq or Afghanistan and praying for them every day.

So, with that, Mr. Speaker, I say thank you to those who are in uniform today who are supporting this country in the most difficult way and especially to their families and all of the great love and support that they have.

OIL-FOR-FOOD PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHAYS. Mr. Speaker, at this time I would just introduce our remarks by saying I do not think I have done a special order this entire session, but I am doing one tonight because I feel very strongly about an issue, and that is the Oil-for-Food Program. And my subcommittee is working, as is the Committee on International Relations, on the whole issue of oil for food and the outrageous rip-off, probably the biggest rip-off in the history of rip-offs, the $10 billion plus events over the course of many years that Saddam was involved in.

At this time I would like to recognize the gentleman from New Jersey (Mr. SMITH) for whatever time he would like to consume.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding and join him in this very strong concern about one of the biggest scandals known in history and thank him for his good work as chairman of the subcommittee in trying to get to the truth as to what happened.

□ 2045

Mr. Speaker, tonight, we are discussing the recent disclosures about problems with the U.N.'s Oil-for-Food program. As my colleagues know, in 1995 the U.S. worked with the U.N. to create a program to allow Saddam Hussein to sell his country's oil in what was purported to be a controlled manner in return for shipments of humanitarian goods for the Iraqi people. Tragically, we now know that this noble effort was grotesquely undermined by scandal. The GAO estimates that some $10 billion in oil revenue was stolen from the people of Iraq.

The laudable purpose of the Oil-for-Food program was to alleviate massive human suffering by innocent Iraqi civilians whom Saddam Hussein was deliberately starving in order to generate international support and sympathy for lifting U.N. Security Council sanctions against Iraq. The system to be implemented by the U.N. and by member states was supposed to carefully monitor all sales of oil and make sure that these petrol dollars were placed in a trust fund at the French Bank, the PNB-Paribas.

The system was supposed to be transparent. It was supposed to be above board. It was supposed to be open, but it was anything but. As the coverup and the lack of transparency crippled efforts that continue to this day, efforts to establish all of the facts and to hold the corrupt to account.

New York Times columnist William Safire noted in June of 2004 that there are some 5,000 Oil-for-Food file folders stored at BNP-Paribas storage facilities in New York and in my home State of New Jersey with documentation on the letters of credit, the notice of arrival documents, descriptions of the contracts; and yet the U.S. investigators are not being allowed access to these vital documents.

In theory, Mr. Speaker, the trust funds were supposed to be out of the Hussein regime's control and were to be used to purchase civilian consumer goods and basic infrastructure. The justified fear manifested in the 1990s by the United States and the United Kingdom was that Hussein's agents would try to misuse oil funds to purchase banned weaponry and luxury items for the regime. History has proven these fears to be well founded. Unfortunately, the United Nations apparently presided over a system that was rife with loopholes and opportunities for Hussein and his thugs to corrupt and bribe their way towards enrichment at the expense of the very people he was to feed, clothe, and provide health care for.

For example, the Clinton administration estimated in the year 2000 nearly $2 billion of the Oil-for-Food assistance was diverted to build nine lavish palaces for Saddam Hussein and his Baath Party supporters, all of this while children went hungry and without medicines. The Congressional Research Service, Mr. Speaker, in April 2004 did an analysis of the various estimates to try to get a handle on the scale of the Iraqi sanctions cheating and the U.N. failure to stop them.

CRS notes said, ''There are no authoritative figures for the value of illicit trade with Iraq. However, the most widely cited estimates come from a study released in May 2002 by the GAO. According to the GAO study, Iraq earned $6.6 billion in illicit revenue from oil smuggling and surcharges during 1997 to the year 2001. Of that total, GAO estimates that $4.3 billion was from illicit oil sales and $2.3 billion from surcharges on oil and commissions from its contracts to buy civilian goods (kickbacks). The study estimated that during 2001, Iraq earned $1.5 billion from illicit oil sales from Jordan, Syria, Turkey, and the Persian Gulf; and about $700 million from surcharges and contract kickbacks.''

Mr. Speaker, as we all know, Congress and the Bush administration are actively investigating allegations of large-scale U.N. corruption in complicity with Iraqi sanctions violations. But we have not been allowed the access to information that would make these efforts successful. One problem, Mr. Speaker, with the U.N. program, and I would underscore this, is that it seems that the firm which signed the contracts with the U.N. to inspect the humanitarian aid shipments, Cotecna, appears to not have had enough inspectors at their posts to make sure that the transactions were handled properly.

According to internal U.N. audits, Cotenca overcharged the U.N. while understaffing the inspection positions. In other words, part-time work for full-time pay. This particular allegation was included in a report written by auditors from the Office of Internal Oversight at the U.N. This report, we are now told, is one of 55 that the U.N. auditors did on the Oil-for-Food program. Amazingly and shamefully, all 55 audits were kept from the U.N. membership, including the United States mission. This is just plain wrong; and to the best of my knowledge, no one in the Congress has seen the other 54 reports.

At the very least, these reports should be released immediately by the United Nations to the U.S. and other interested governments, and this stonewalling must end. I would point out to my colleagues that the distinguished chairman of the House Committee on International Relations, the gentleman from Illinois (Mr. HYDE), wrote to Secretary General Annan: ''The U.S. Congress, which provides 22 percent of the U.N.'s budget and which has publicly requested copies of the 55 internal audits, should not be required to depend on media leaks for source documents.''

The report on Cotecna, I would point out, was leaked and was placed on the Internet. If it were not for the bravery of one unnamed official, we would not even have this one report.

Mr. Speaker, let me just conclude by noting that while the United Nations looked the other way, or worse was complicit and corrupt, Saddam Hussein was underselling his oil in return for kickbacks and providing commercial favors to the companies from countries which did his bidding in his ongoing propaganda war against the United States. The scheme was rotten to the core. In my mind, it also raises some very serious questions about two of our Security Council countries which most adamantly opposed the U.S. multinational coalition military commitment, and they were France and Russia. They were among those getting the greatest sweetheart deals during the Oil-for-Food situation.

For example, the Russia diplomatic representatives, we are told, were instructed to do everything they could to push for contracts with Russian companies. There are hundreds of Russian companies dealing in Iraq. Some were even front companies for Iraqi officials steering the proceeds into offshore bank accounts. Some companies took open bribes. One Russian company, Lakia, paid bribes to Iraqi officials to get their contracts through; but when the contract fell apart, Lakia asked for

its bribe money to be paid back and even complained to the U.N. about the situation.

What did Benon Sevan, director of the U.N. office overseeing the Oil-for-Food program do about this? He notified Saddam's officials before he even told the U.N. about it.

Investigators are now hearing that the U.N. officials were open to bribes by suppliers if those vendors wanted their contracts to move up in priority for consideration there. They are hearing that U.N. officials would disclose the details behind the holes that U.S. officials were placing on contracts in return for the right amount of money. They are hearing that inspectors at Iraq's posts were also open for bribes and overfilling oil tankers beyond the contracted amount and then selling the extra oil and lining their pockets with the profits.

Under pressure, Mr. Speaker, as we all know, in April 2004 the U.N. appointed a commission headed by Paul Volcker, the former Chairman of the U.S. Federal Reserve, to independently investigate this massive scandal.

Mr. Volcker is currently assembling his staff and beginning his inquiry. That sounds good, because Mr. Volcker enjoys a great deal of respect. But even with the best of intentions, if he is not given all the tools to unearth the truth, the probe will fall short. I will point out to my colleagues that Mr. Volcker and his commission do not have subpoena power, a deficiency in his powers that will undoubtedly cripple his access to information. How is he going to compel U.N. officials to provide the hard evidence of corruption?

Let us face it, Mr. Speaker, corrupt officials are not going to voluntarily hand over boxes of files filled with incriminating evidence. Instead, those boxes are likely to be shredded or redacted. Without subpoena power, the U.N.'s internal investigation will be stymied and will likely raise more questions than it answers, and the hard truths about this mother of all scandals are likely to be lost and remain elusive.

Secretary General Kofi Annan says he will fire any U.N. employee who does not cooperate. Sounds good. Let us see. We will see. How do we define cooperate? How do we know what remains secret when we do not have that ability to compel evidence? Mr. Annan's own son may be involved in this scandal since he was Cotecna's consultant, and that raises serious questions as well.

These are tough questions, Mr. Speaker; and I understand that the answers will not come overnight, and under the current glideslope, perhaps they will never come.

Congress needs to demand real answers, as we are doing; and there needs to be real and meaningful reforms made at the United Nations.

Mr. Speaker, I am glad we organized this very important night to focus on this terrible scandal. I thank my good friend, the gentleman from Connecticut (Mr. SHAYS), for yielding to me.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for a wonderful introduction and outline of the problem.

I now yield to the gentleman from Michigan (Mr. MCCOTTER), a new member to Congress and one who is very active in this issue.

Mr. MCCOTTER. Mr. Speaker, we are engaged in a great debate in a great and dangerous time. At the heart of this debate dwells the United Nations' scandalous Oil-for-Food program, for it constitutes not merely a matter of dollars and cents, but truly a matter of life and death.

I would like to quote to prove the point a copyrighted article by the writer Claudia Rosett, who is a Fellow at the Hudson Institute, in which she cites Claude Hankes-Drielsma, a British advisor to the interim governing council, in which he says of the scandal, ''It is expected to demonstrate the clear link between those countries which were quite ready to support Saddam Hussein's regime for their own financial benefit at the expense of the Iraqi people and those that opposed the strict applications of sanctions and the overthrow of Saddam Hussein.''

Clearly this proves the scandal not only has disgraceful fiscal consequence but has also had dire martial consequences.

The resolutions regarding the weapons of mass destruction that the U.N. passed and yet lacked the resolve to fully and fairly and truly enforce, that lack of resolve will remain a question in the minds of many as long as this scandal lingers; for we will have to ask ourselves, did the U.N. come to their decisions, come to their lack of resolve with clean hands or with the money of Saddam Hussein in them? How much better would intelligence have been had the U.N. been actively and forcefully trying to get Saddam Hussein and Iraq to comply with those sanctions rather than finding one excuse or another not to do so?

In terms of our U.S. coalition and the buildup to the war, how many other countries would have been willing to join us had not many in the U.N. undermined our efforts to enforce those resolutions? And again, we ask ourselves, Did those countries that undermined our efforts to build a coalition come to that with clean hands or with Saddam Hussein's Oil-for-Food money in those very hands?

As for our soldiers, we now have to ask ourselves, how much of the potentially $10 billion that was skimmed, stolen, misplaced, misspent, gone, how much of that money wound up in the hands of contractors who were front groups, as the U.S. Treasury has just designated one, of contractors who did business under the Oil-for-Food scandal? How much of that money that was stolen is currently being used by Saddam's insurgents and terrorists to kill America's sons and daughters in Iraq?

So much of the debate that we have heard internally in this country cannot have a resolution or even properly be addressed until we determine the extent of the corruption, the venality and the moral bankruptcy that lurks at the heart of this scandal, especially because the great debate I mentioned in many quarters these days hinges on this.

There are those in this country who believe the United States should be more like the United Nations. I for one am not ashamed or abashed to say I believe the United Nations should be more like the United States. If they had been, perhaps the sanctions would have worked, perhaps the dictator would have been deposed through democracy and other soft means; but we were not given that chance to see that because we were not dealing with an ally at the United Nations. We were dealing with an adversary. We were dealing with an adversary bent on their own financial gain at the expense of the Iraqi people and democracy throughout the world.

Mr. SHAYS. I thank the gentleman very much. I want to say before yielding to the gentleman from California (Mr. OSE), who has been very active on our committee's investigation, the National Security Committee's investigation, that one of the intriguing things about the whole Oil-for-Food program was that while people knew it was a problem, it did not really catch the attention of the international community until a paper, Al Mada, printed the names of 270 people alleged to be involved in this program.

□ 2100

I smiled because this was an Iraqi newspaper, not an American newspaper, not a European newspaper, and they got their information from a government leak within the Iraqi Governing Council. As I think of Iraq emerging into democracy, I smile a bit thinking that this was one of the first attempts I think of this new Iraqi community to start to enjoy the incredible protection of a free press and a press that has the capability to print what needs to be said.

So they printed the names of 270 individuals. They included Kofi Annan's son. They included Benon Sevan, who ran this program, run by the United Nations, to make sure it was free of any corruption.

I think my colleague, the gentleman from California (Mr. OSE), would agree it is kind of hard to imagine how a program that basically was run in essence by Saddam Hussein but overseen by the U.N. would be a program that would be run well.

Saddam Hussein decided that he did not want to deal in U.S. dollars. So he decided that it would be in euros. So that is what it was. He decided who would buy and who would sell his products. He decided to undersell oil and get a kickback and overpay for commodities and get a kickback.

In the end, we estimate that approximately $5.7 billion was smuggled out of the country through Jordan, through Turkey and primarily through Syria, and that 4.4 were oil surcharges and kickbacks and so-called humanitarian purchases and kickbacks.

There is no innocent explanation for how this could happen, and there is no question that people in the U.N. knew what was happening, and I think we can say, as I recognize now the gentleman from California (Mr. OSE), that there is no doubt that the Security Council knew, including the Americans, the Russians, the French, the British, the Chinese, or most people knew that this program was really not working properly, but it took a small paper, Al Mada, printed in Baghdad, to awaken the world to this horrendous scandal.

At this time, I yield to my colleague, the gentleman from California (Mr. OSE), for any comments he would like to make.

Mr. OSE. Mr. Speaker, I thank the gentleman from Connecticut for yielding.

Mr. Speaker, sometimes we work here in the hallowed halls of Congress, and we come upon things that almost come out of a Tom Clancy novel. I do not know of anything in my few years here that even begins to rival the complexity or the obvious opportunities that existed in this so-called Oil-for-Food Program set up by the United Nations.

I want to go back and just kind of visit as to the genesis of the Oil-for-Food Program. If my colleagues recall, after the Gulf War, we imposed sanctions on Iraq hoping that those sanctions, in fact, would bring the Hussein regime down. Over time, the caloric intake for the people of Iraq, men, women and children, still stuck there under the regime of Hussein was reduced to about 1,200 or 1,300 calories a day. The United Nations, in its wisdom, after significant input from any number of the member states, decided to undertake a program, the objective of which would be to raise the average daily caloric intake for the folks who lived in Iraq under the same regime.

Interestingly enough, the first time the U.N. proposed this, Iraq declined the opportunity. It was only after the second time that the U.N. proposed this that Iraq undertook to participate in this; and it was, frankly, a pretty clever scheme.

It took the oil that exists in surplus in Iraq relative to its domestic needs and put it on the market, directed the funds from that sale of the oil to an escrow account under the control of the United Nations from which food and medicine could be bought for delivery and/or distribution to the people of Iraq.

Lo and behold, a couple of years passed and all of a sudden the questions started rising as to whether or not there were surcharges, kickbacks, corruption and the like.

Well, the U.N. had actually set up a committee to examine or to make sure that this program proceeded according to the rules and regulations that it laid out in its resolutions, and that committee was called the 661 Committee, and the membership of the 661 Committee was composed of the five permanent members of the Security Council, plus the additional 10 revolving members of the Security Council who move in and out of those seats as the elections or the pattern allows.

Over the ensuing years from the Gulf War, the five permanent Security Council members sat on the 661 Committee and a revolving number of 10 additional States sat on that 661 Committee.

Now, the contracts, the way it worked was you had to get a contract for the purchase of oil. That had to be approved by the members of the 661 Committee, and then the transaction would be allowed to go forward, and upon delivery of the oil, there would be a third-party inspector in Iraq to ascertain the exact compliance with the contract. That person was supposed to send notification to New York so that in New York the escrow account could collect the funds from the buyer of the oil and disburse the funds for the purchase of food and medicine.

Well, keep in mind the name of this program, I just want to make this point, because the Oil-for-Food Program was about the most inaccurately named welfare effort of the United Nations as one can imagine. Let me tell you some of the things the Oil-for-Food Program managed to procure for the benefit of the Iraqi people. Keep in mind the purpose having been food and medicine.

The government of Iraq was able to persuade the United Nations' 661 Committee that the people of Iraq needed 1,500 ping-pong tables. I guess apparently they needed fiber. So one of the contracts called for the delivery of 1,500 ping-pong tables.

We heard earlier from the gentleman from New Jersey (Mr. SMITH) the testimony about the nine presidential palaces that were constructed by virtue of the money that was skimmed from the Oil-for-Food Program.

But in addition to the nine presidential palaces that were financed through the Oil-for-Food Program, there were also roughly 300 Mercedes that were purchased, again for the benefit of the people of Iraq and their food and medicine requirements. Now, 300 Mercedes Benz, what do you suppose they did with those? I have not figured that part out.

Here is a good one. This is actually close to using some dairy products. There were soft ice cream machines authorized for purchase under the Oil-for-Food Program.

There were overpriced dental chairs from China purchased in the Oil-for-Food Program. This is like a Tom Clancy novel. I am not making this stuff up. There was a warehouse full of undelivered wheelchairs purchased under the Oil-for-Food Program, again for the benefit of the people of Iraq.

The one that I find is perhaps best, we are worried about infant mortality, infant survivability in some of these Third World countries. So one of the things that the United Nations undertook to provide was equipment for the medical needs of newborns. So they went and bought defective ultrasound machines from Algeria. Algeria rounded up all these ultrasound machines that did not work and sold them to the U.N. for premium dollars.

There was perfume. I guess the people, I do not know, they needed perfume in the Oil-for-Food Program.

Now, there were additional things that were in the Oil-for-Food Program or at least on the contracts it allowed for the purchase of water pumps, piping and other supplies; and, unfortunately, what we find 9 years in when we have to go into Iraq, we find that none of the water pipe for drainage systems or other things that are so essential to civil life here in the United States have been installed. In fact, those water pumps and pipes have basically been hijacked for use in Saddam's various palaces for water improvement.

Now, I want to go back to my friend from Connecticut because I know he has quite a bit to offer, but before I do I just want to remind the folks in this Chamber about the preamble for the United Nations, the purpose of the United Nations. In part it says, we the peoples of the United Nations determine to establish this is the first thing, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained; and to promote social progress and better standards of life in larger freedom; and, finally, to unite our strength to maintain international peace and security.

I would submit to my colleagues that the schemes that evolved from the original U.N. Oil-for-Food Program, that the scheme of corruption and apparent fraud basically served to undermine each of those three principles, and I hope to come back to that in the course of this evening's discussion.

Mr. SHAYS. Mr. Speaker, before yielding to the gentleman from Indiana (Mr. PENCE), who is on the Committee on International Relations, we heard from the gentleman from New Jersey (Mr. SMITH) of the Committee on International Relations and also the gentleman from Michigan (Mr. MCCOTTER) on the Committee on International Relations. I would like to recognize the gentleman from Indiana (Mr. PENCE) as well.

That committee, the full committee, is conducting its investigation of the Oil-for-Food Program. Our Subcommittee on National Security, Emerging Threats and International Relations of the Committee on Government Reform is doing that same investigation. We are working together. We

are comparing notes. We are trying not to be duplicative but trying to make sure that we are able to pierce the veil of what is truly the most outrageous scandal, certainly world scandal, that anyone to date has ever uncovered.

This again is a $5.7 billion smuggling ring and a 4.4 oil surcharge and kickbacks on the sale of oil and the purchase of commodities that were overpaid for and then kickbacks were provided to Saddam.

What is really outrageous about this whole horrific exercise is that the U.N. was in charge to guarantee that it would be run properly, the U.N. comprised of member States like France and Germany and Russia and China, as well as the United States and Great Britain. At times, the United States and Great Britain voiced concern about this program, but the program continued, and it was not until, again, an Iraqi newspaper, Al Mada, really outed 270 people that the world started to think that they needed to pay attention to this issue.

Besides talking about the incredible rip-off, the U.N. was making legitimate dollars, billions of dollars running the program, and we understand why there was a reluctance to no longer have that opportunity. Then what we began to realize is people in the U.N. and member states were making billions of dollars in illegal activities.

It is hard pressed to know why particularly the Russians and the French were so involved in this program, but when you recognize how involved they were, it does give you some indication of their reluctance to want to confront Saddam since he knew so well their involvement in these illegal schemes, and it does suggest, I think, a very real motive for why France in particular and Russia and China were so reluctant to see this dictator's regime end.

If the French had stuck with us, as they had in December through January, instead of being the apologist for Saddam but had stuck with us, it is unlikely we would ever have had to go in because it is very likely and it is very clear Saddam knew we believed we were not going to come in and remove him because the French and the Russians and the Chinese were not with us.

□ 2115

That gave him the confidence to think he could continually stonewall us.

So besides the incredible rip-offs that have been mentioned by the gentleman from California (Mr. OSE), the gentleman from New Jersey (Mr. SMITH), and others, there is the whole issue of why there was not greater cooperation to force Saddam to do what was required in the 1991 signing of the ceasefire: Fully cooperate with the U.N. and demonstrate and prove that his programs of weapons of mass destruction had ended.

Mr. Speaker, I now yield to my colleague, the gentleman from Indiana (Mr. PENCE), and thank him for his work in this important investigation.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise tonight to join the gentleman from New Jersey (Mr. SMITH), and thank him as well as the gentleman from Connecticut (Mr. SHAYS), for their extraordinary efforts in bringing what is very likely the largest scandal in the history of the United Nations into the public domain.

Mr. Speaker, a very limited fan of the Larry King Live program would know that the gentleman from Connecticut (Mr. SHAYS) is one of the most eloquent and compelling Members of Congress in the national media, and I, for one, am grateful that the chairman is willing to dedicate so much of his energy to calling the Nation's attention to this issue and wish to commend him for doing that.

There seems to me to be an opposite impulse afoot in both the international community as well as here in our Nation's capital. Despite the fact that this multibillion dollar Oil-for-Food program, which operated from 1996 to 2003, resulted in billions of dollars lost in graft and payoffs, there seems to be an impulse among some quarters within our own diplomatic community here in Washington and even around the world to simply move on.

Clearly, I would be, as a strong supporter of Operation Iraqi Freedom, I would be the very first to say we ought not to let the mistakes of the past interfere with opportunities for alliances in the future. And I, for one, am extraordinarily encouraged to see the United Nations Security Council embracing a new role of partnership in the development of a free and stable and Democratic Iraq. But it seems to me to be all together consistent with the aims of a vital and important role of the United Nations on the world scene, especially in difficult areas like Iraq, or even in Sudan, of which we may well be talking in the near future, it seems to me we ought to always seek to defend the basic reputation of integrity of the United Nations.

As we gather here today, we reflect, Mr. Speaker, on this program, which was, as the gentleman from California (Mr. OSE) just said very eloquently, a program born of compassion. It was about trying to provide assistance, both food and medical supplies, to a beleaguered people in the difficult years that followed the first Persian Gulf War, and to no less extent the decades of oppression and abuse by the tyrannical dictator Saddam Hussein. It was to provide them with resources and assistance by letting the regime of Saddam Hussein sell oil, the payments for which would go into an escrow fund that would then purchase medical supplies and food stores to be then delivered back into Iraq.

Sounds like a pretty flawless arrangement, like a triangle, if you will. The only problem, and I believe hindsight is 20/20, and I understand why these decisions were made, but as we learned in the Committee on International Relations, at the end of the day this Oil-for-Food program deferred to the principle of sovereignty of Saddam Hussein's government in Iraq. And why that was problematic, we believe, is because it permitted Saddam Hussein to choose who he would sell oil to and to choose who he would buy supplies from.

Allowing this deplorable dictator and his corrupt government to choose to pick the winners in this multibillion dollar Oil-for-Food program created an environment, the preliminary evidence of which created opportunities for graft on a global scale. And as Chairman SHAYS just suggested, the interrelationship between this program and some countries who were loathe to support our efforts militarily against Iraq is troubling and intriguing and bears fleshing out.

I believe that is what we are about here tonight, simply doing our part in this chamber, the people's House, to raise public awareness about this extraordinary scandal and an attempt by a dictator to siphon off an estimated $10 billion from a program that was truly simply designed to help people.

A few brief points, and then I will yield back to my betters on this issue.

The role of Congress. I think what we are about tonight, Mr. Speaker, is an important role. It is to at least be that one quarter of the national government in the most powerful and freest Nation in the history of the world that says, yes, we do care what happened to the billions of dollars that went out of the Oil-for-Food program; we want to know who benefited through those illicit profits and kickbacks.

And let me hasten to add that I serve a heartland district in central Indiana where I grew up seeing the billboards that would read ''get out of the U.N.'' This is not a ''get out of the U.N. move'' in the Congress. This is rather a move about saying, if we are not prepared to demand a full accounting of the resources that move through the United Nations in the programs that they are charged with governing, I think that is a greater threat to the long-term vitality of the United Nations as a legitimate forum for addressing grievances in the free world than any billboard or any accusation could ever be.

Congress, it seems to me, has a role, and there are a couple. Number one, to do everything in our power to strengthen the position of the chairman of the independent investigating committee, the former Federal Reserve Chairman, Paul Volcker; to do that by the means of the pocketbook in the Congress. And I am confident that we have done that and will continue to do that.

Secondly, it is to ensure that the Iraqi interim government and congressional investigators are able to conduct an effective and exhaustive investigation. We have heard tonight on the floor about some of the barriers that

the U.N. has not yet been willing to waive in contract arrangements that need and must be waived to permit our government and the Iraqi government to get to the bottom of the facts.

Lastly, something of what we are doing tonight is to push the State Department within the Bush administration to ensure that the Oil-for-Food scandal is thoroughly investigated. I understand, as I said before, and with this I close, I understand that we have bigger fish to fry, as we like to say on the Flat Rock River in Bartholomew County, and those fish to fry include moving forward in a multilateral way in Iraq and bringing the family of freedom-loving nations together in that project. But I hasten to add that I simply do not believe that demanding a strict accounting of the administration of the Oil-for-Food program that took place in the last decade in the United Nations is in any way inconsistent with bringing the United Nations and the countries represented on the Security Council more to bear on the challenges that we face in Iraq and elsewhere in the world.

If we can find out where the illicit profits went, and if in fact there were misdeeds done within the United Nations itself by United Nations personnel, we need to hold them accountable, create new systems whereby that kind of abuse is no longer as possible as it apparently was in the 1990s, and I think that will bolster world opinion for the United Nations and bolster the confidence in future programs, whether they be in Iraq or elsewhere around the world. So that when the United Nations says they are going to oversee a program that is designed to accomplish humanitarian aims, that it will accomplish those aims and it will not do so in a way that involves graft or the enrichment of individuals at the public expense.

So once again I commend Chairman SHAYS for his extraordinary leadership on the public stage on this issue. I commend him for being willing, as he candidly in his career frequently is, willing to swim upstream against what may be the current of the day, but to seek, as he so doggedly does, as the gentleman from California (Mr. OSE) does, and all of us I believe in our hearts do, to seek the truth, knowing that the truth is the only foundation upon which the international community should ever come together in the United Nations or in any project that faces us in the 21st century.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for his generous words, but also for his caring about the U.N. I think it is so important to reemphasize the fact that we want a better U.N., and it is absolutely essential that the U.N. do what it can in every way to cooperate. There will then be a redemption, and the U.N. will have greater impact and greater moral authority in the future. Failing to do that, I think the opposite is true.

I thank my colleague for being here, and at this time I wish to reengage my colleague from California in regards to the Oil-for-Food program.

Mr. OSE. Mr. Speaker, I thank my colleague. It is interesting that the gentleman from Indiana (Mr. PENCE) was frankly very thorough in his remarks. One of the things that I continually try to do is bring to focus why this is important for my constituents. Because, frankly, the Oil-for-Food program, paid for by oil revenues from the sale of Iraqi oil, okay, big deal. We needed it.

But let me share why I think this is so important. First of all, in addition to the reasons elucidated by the gentleman from Indiana (Mr. PENCE), the money that was skimmed was supposed to go to the benefit of the Iraqi people for the purpose of purchasing food and medicine. In the absence of that money, somebody else must step in and fill that void. Somebody else must step in and buy the food or buy the medicine that the Iraqi people need. Now, is that the United States? Is that the United Nations? Is that Europe? Whoever it is, they are having to buy something that should have been funded by money that belonged to the people of Iraq by virtue of the sale of oil that had belonged to the people of Iraq.

That is a very important point, because if the United States is going to have to fill the gap created by the loss of these funds, then my colleagues and I are going to have to take it out of the Treasury of the United States. And that is important to each and every one of our constituents.

I want to return, Mr. Speaker, to what we are trying to accomplish here. If we look at current events around the world, we find that in addition to Iraq we have a burgeoning issue in Sudan, and we have them in various places at different times around the world. Today's event is Sudan, out by Darfur. If we cannot figure out how to run these programs under the auspices of the U.N., in a manner that is transparent and full of accountability, then at some point or another in the future we are going to lose our will or our interest to do it again, and that would be a problem. Because that would only compound the tragedy or tragedies of a future nature as they are now occurring in the Sudan.

Now, Mr. Speaker, I have asked for a couple of things. I think these are central to getting to a resolution in this matter. First of all, we need to know the contracts, and there are somewhere between 30,000 and 60,000 individual contracts. We need to have a listing of the contracts that were involved in the Oil-for-Food program. How much oil was sold at the point of embarkation in the ports of Iraq? How much money was then wired from the buyer of that oil to the escrow account under the control of the United Nations? And then from that escrow account, what were those funds used for, item by item, dollar amount by dollar amount, in purchasing goods for the people of Iraq?

□ 2130

Somebody earlier, I think the gentleman from New Jersey (Mr. SMITH), mentioned the 661 committee. We need to have a copy of the minutes of the various meetings of the 661 committee. As Members recall, the 661 committee was comprised of the five permanent members of the Security Council and the 10 rotating members of the Security Council. So day after day, week after week, month after month, the Security Council and the 661 committee were the same body. They had regular meetings to review these contracts. Undoubtedly there are minutes of those meetings. We have been told there are minutes of those meetings. We have also been told by the United Nations we may not have copies of the minutes of those meetings, either redacted or not. We are seeking copies of those minutes because in addition to the evidence we have available to us today that shows that the United States brought to the attention of the 661 committee in March of 2001 the potential allegation of fraud or corruption, we would like to know whether or not those allegations were brought to the attention of the 661 committee prior to that point in time and what was done about it. Interestingly enough, one of the previous speakers spoke about the office of internal oversight at the U.N. We have come to find out over the last week or 10 days that there were 55 separate audits of the performance of different contractors under the Oil-for-Food program, both the program as a whole and the individual components. We would like to get a copy of those audits. We have asked for a copy of those audits. We have been told that we may not have them. What we are looking for is a source for those audits. And, in fact, we have found one of those audits. In that audit's recommendations are a list of significant suggested improvements to the manner in which the program is run.

Mr. SHAYS. Mr. Speaker, our staff has been through some of the minutes of the U.N. 661 committee of the Security Council members responsible for the sanction monitoring and oversight of the Oil-for-Food program. Those minutes have told our staff a story of diplomatic obfuscation and an obvious purposeful unwillingness to acknowledge the program was being corrupted. Questions about oil or commodity contracts were dismissed as dubious media rumors beneath the dignity of the U.N. to answer while Saddam was given the undeserved benefit of every doubt. That is what is really striking about this whole program.

Bottom line. After the war in the gulf, after we got Saddam Hussein out of Kuwait, and I would say parenthetically, somehow he never thought we would seek to get him out of Kuwait, he had an obligation. His obligation was to cooperate with U.N. inspectors in terms of chemical, biological and nuclear program. He simply chose not

to. So the sanctions were put in place until he cooperated. The problem was Iraqis were starving and they were not getting their health care. What was obvious to us is Saddam did not care that his own people were dying. He was simply not going to cooperate. In a sense he kind of pushed the world community into doing its best to make sure that Iraqis did not starve and they got some medicine by saying that there would be this Oil-for-Food program that he basically would run with the supervision of the U.N. As has been pointed out, Saddam got to basically choose who could buy from him and he got to choose who he would buy from. He would undersell his oil and then get a kickback because there was so much money to be made in his undervaluing of oil by the parties that could give him a kickback. He would overbuy for commodities as the gentleman from California points out, commodities that were not even necessary, not related to Oil-for-Food. But he did more than that. In some cases he would buy so-called foodstuffs but they were animal stuffs, so they paid far more than would be logical for something that was for animals. In some cases he would purchase things that were never delivered.

One of the things that we are obviously aware of is the U.N. investigation by Mr. Volcker, and I believe he is going to put his heart and soul and is putting his heart and soul in this, he is only looking at the oil surcharges and kickbacks and the humanitarian purchases and only somewhat looking at the $5.7 billion involved in the smuggling of oil through Syria, Turkey and Jordan.

The problem that we have is the following, and I would love to say this in a more lengthy way by first saying that I have been to Iraq five times since the end of the removal of Saddam. I was there a year ago April, in August, December, January, again in April, four times outside the umbrella of the military. I spoke with everyday Iraqis, literally hundreds of them. I went to an Iraqi wedding of over 400 men in attendance. I had a hard time finding the bride at that wedding. I went and met with religious leaders, community leaders, teachers, businessmen and some businesswomen. I met with the poorest of the poor in their homes. Almost every Iraqi told me thank you for ridding us of Saddam and in the same breath they would say, and when are you leaving? It was said with a smile and it was said with this eagerness. They wanted us to go as quickly as possible. They had some criticisms of us and I think it is important to note, because the Oil-for-Food program relates to what we are talking about in Iraq. They were suspicious of us because we were the government. No hard feelings but they never had a government they could trust. Why would they trust us? They blamed us for telling them to rebel against Saddam but we left in place the Republican Guard that annihilated so many of their family members. They blamed us for the sanctions and the program of Oil-for-Food because they basically acknowledged the fact that their world was different after the Gulf War. They could not have commerce with other nations, at least legally. They could only get their food and their medicine from Saddam and he gave it out to the peoples he wanted to give it out to. So many people suffered not just in the early stages before the Oil-for-Food but continually. The Iraqi people were questioning why we broke apart the government and said to the Baathists they could not participate because many of the Iraqis I spoke to had family members that said, how else did you survive in Saddam's world in Iraq unless you could be part of the government, the police or the army? We disbanded all of them.

Mostly they wanted this to be an Iraqi revolution. I say that because I take tremendous satisfaction that this fledgling nation no longer having Saddam, they were the ones that forced the world community to address this issue. They are the ones that forced Kofi Annan to convince the Russians to allow for this investigation. They are the ones that have resulted in Mr. Volcker being hired with a budget and with personnel to do the jobs. The Iraqi people are demanding what happened to $10.1 billion of their money. It is a good question for us as well, because we have put in far more than that. If they had $10.1 billion right now, that would be $10.1 billion we would not have to put into this country.

I am more than grateful that we have moved towards sovereignty for Iraq and I am hoping that when my subcommittee goes into Iraq this August and when we interact with this new Iraqi government that we will get their continued cooperation in helping us pull away the veil of this unbelievably obscene corruption that was managed by Saddam but basically protected and facilitated by the United Nations and many of its member states, particularly some of the biggest apologists for Saddam, particularly some of those that were most vociferous against our forcing Saddam to cooperate and against our removal of this hideous regime, a regime where hundreds of thousands of people lost their lives and can be found in killing fields all throughout Iraq. When you see an Iraqi clutching the clothes and bones of a loved one whom they can identify by the clothes and by the identifications in their pockets, you have to understand beyond a shadow of a doubt what a noble effort this has been on the part of the United States to have freed them from this regime and how important now it is for the United States to do whatever it can to facilitate this investigation.

I yield to my colleague for any remarks that he would like to make.

Mr. OSE. I thank the gentleman. I think his point about lessons learned, the implicit point that he makes, is an exceptional one, because we have learned here. We have learned that anything we do must be watched very carefully, because the purposes for which it was set up can be hijacked. We have learned that there are people in this world who wish to utilize our charitable efforts or our efforts at building the future prospects of different countries and the opportunity for people around this world to enjoy freedom, we have learned that people will take advantage of that.

One of the things I want to do tonight with permission of the Speaker is to enter into the RECORD the list that was printed in the newspaper in Iraq which I think the gentleman from Connecticut's point was what a remarkable thing that one of the first occasions for a free press to exist in the country of Iraq since the early seventies dug out a potential scandal. What better check and balance can you argue for than the fact that we have reestablished a free press in Iraq to hold the government there accountable. I would like to enter into the RECORD the list of alleged participants in the scheme that was set up by Saddam Hussein and implemented under the auspices of the United Nations.

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
The Russian State	Russia	1,366	$273.2
Zarubezhneft	Russia	175	34.9
Communist Party Companies	Russia	137	27.4
Al-Fayco (Russian Foreign Ministry)	Russia	129	25.8
Russneft Ampex	Russia	87	17.4
Liberal Democratic Party (Zhirinovsky)	Russia	80	16.0
LUKoil	Russia	63	12.6
Mastek (Fa'iq Ahmad Sharif)	Malaysia	57	11.4
Amircom (Unity Party/Ministry for Emerge)	Russia	57	11.4
Zan Gaz	Russia	49	9.8
Ibex	France	47	9.4
Mawlana Abd Al-Manan	Bangladesh	43	8.6
Mr. Juan	China	39	7.8
Mujahideen Khaiq	United Kingdom	37	7.3
Rosneft Company	Russia	36	7.1
Peace and Unity Party	Russia	34	6.8

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
Yatumin (Russian Foreign Ministry)	Russia	30	6.0
Zayn Al-Abideen Ardam	Turkey	27	5.4
Gasprom	Russia	26	5.2
Soyuzneftgaz (Yuri Shafrannik)	Russia	26	5.1
Slayneft	Russia	26	5.1
Nafta Moscow Company	Russia	25	5.0
Trafigura (Patrick Maugein)	France	25	5.0
Roberto Formigoni	Italy	25	4.9
Elkon [or Elcon]	Switzerland	23	4.6
Al-Huda	United Arab Emirate	23	4.6
Onaco Company	Russia	22	4.4
Socialist Party	Yugoslavia	22	4.4
Sidanco Company	Russia	21	4.2
Finar [Holdings]	Switzerland	21	4.2
Salvatore Nicotra	Italy	20	4.0
Romain (son of former ambassador to Ba	Russia	20	3.9
George Galloway/Nawwaf Zuraiqat	United Kingdom	19	3.8
Awadh Ammura	Syria	18	3.6
Noresco	China	18	3.5
Bassim Qaqish	Spain	18	3.5
Muhammad Al-Hawny	Cyprus	17	3.4
Michel Grimard	France	17	3.4
Khaled Gamal Abd Al-Nasser	Egypt	17	3.3
Italian Party	Yugoslavia	16	3.2
Techfen	Turkey	16	3.1
Leith Shbeilat	Jordan	16	3.1
Franco-Iraqi Friendship	France	15	3.0
Alias Al-Gharzali	France	15	2.9
Belminal Company	Belarus	14	2.8
Ancom Co (Muhammad Shatta)	Egypt	14	2.8
Imad Al-Jilda	Egypt	14	2.8
Hamad bin Ali Al-Thani	Qatar	14	2.8
Biorg	China	14	2.7
Nefta Petroleum	Cyprus	13	2.6
Zank Ronk	China	13	2.6
Nikolayi Ryzhkov	Russia	13	2.6
Muhammad Aslan	Turkey	13	2.6
Russneft-Gazexport	Russia	13	2.5
Russian Association of Solidarity with Iraq	Russia	13	2.5
Fa'iq Ahmad Sharif	Malaysia	13	2.5
The Socialist Party of Bulgaria	Bulgaria	12	2.4
Beshara Nuri	Syria	12	2.4
Charles Pasqua	France	12	2.4
Glencore	Switzerland	12	2.4
Sevan	Panama	12	2.3
Abu Al-Abbas	Palestine	12	2.3
Ahmad Mani' Sa'id Al-Utaiba	United Arab Empire	11	2.2
Riyadh Al-Taher	Ireland	11	2.2
Chief of the President's Bureau	Belarus	6	1.2
	Russia	5	1.0
Jean-Bernard Merimee	France	11	2.2
de Souza	France	11	2.2
Ghassan Shallah	Syria	11	2.2
Samir Vincent	U.S.A.	11	2.1
Muhammad Othman Sa'id	Kenya	11	2.1
Fuad Sirhan	Brazil	10	2.0
Javier Robert	Spain	10	2.0
Arthur Millholland	Canada	10	1.9
Left Party	Yugoslavia	10	1.9
Transneft	Russia	9	1.8
Al-Rashid International (Ahmad Al-Bashir)	Jordan	9	1.8
Kokostancha Party	Yugoslavia	9	1.8
Imvume Management (Sandy Majali)	South Africa	9	1.8
Hamida Na'na'	Syria	9	1.8
Uralinvest (Stroyev)	Russia	9	1.7
Social Democratic Party	Ukraine	9	1.7
Caspian Investment	Russia	9	1.7
ADDAX	France	8	1.7
Sibneft	Russia	8	1.6
Taurus	Switzerland	8	1.6
Samasu	Sudan	8	1.6
Abdullah al-Hourani	Palestine	8	1.6
Neftogas	Ukraine	8	1.6
Megawati	Indonesia	8	1.6
Abd Al-Karim Al-Aryani	Yemen	8	1.6
Raz Company	Nigeria	8	1.5
Kamaneft Company	Russia	8	1.5
Jewan Oil	United Arab Emirate	8	1.5
Hayson	Nigeria	7	1.4
Abdallah Al-Sallawi	Morocco	7	1.4
Hawala	Malaysia	7	1.4
Zayyad Al-Ragheb	Jordan	7	1.4
Shaker Al-Khaffaji	U.S.A.	7	1.4
George Tarkhaynan	Lebanon	7	1.4
Shaher Abd Al-Haq	Yemen	7	1.4
Muhammad Salah	Egypt	7	1.4
Mahmoud Mahdi Al-Ma'sarawi	Egypt	7	1.4
Madex Petroleum	Tunisia	7	1.3
Shaker bin Zayd	Jordan	7	1.3
Russian Committee of Solidarity with the P	Russia	7	1.3
Mr. Feloni	Italy	7	1.3
Abd Al-Adham Manaf	Egypt	6	1.2
Fawwaz Zuraiqat	Jordan	6	1.2
Vinafod	Vietnam	6	1.2
Ghassan Zacharia	Syria	6	1.2
Ukraine Communist Party	Ukraine	6	1.2
Stroyneftgas	Russia	6	1.2
Liberal Party	Belarus	6	1.2
Fakhri Qa'war	Jordan	6	1.2
Adel Al-Jablawi (I.N.M. Airways)	Russia	6	1.2
Shukri Ghanem	Libya	6	1.2
Farras Mustapha Tlass	Syria	6	1.2
Arab Company limited	Egypt	6	1.2
Nadhel Al-Hashemi	Morocco	6	1.1
Romanian Labor Party	Romania	6	1.1
Biham Singh	India	6	1.1
Issa bin Zayed Al-Nahyan	United Arab Emirate	5	1.0
Liberation Organization (Political Bureau)	Palestine	5	1.0
Shanfari Group	Oman	5	1.0
Hugh Company (Sokolov)	Ukraine	5	1.0
Russian Orthodox Church	Russia	5	1.0

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
Khrozolit	Russia	5	1.0
Popular Front for the Liberation of Palestine	Palestine	5	1.0
Petrogas	Switzerland	5	1.0
Ministry of Energy (Jordan)	Jordan	5	1.0
Minister of Forestry	Myanmar Federation	5	1.0
Hungarian Interest Party	Hungary	5	0.9
Father Benjamin	Italy	5	0.9
Akht Neft Company	Russia	5	0.9
President Lehoud's son	Lebanon	5	0.9
Orshansky	Ukraine	5	0.9
October 8 Movement (Chavez)	Brazil	5	0.9
Muhammad Hilmi	Egypt	5	0.9
Trader Babar	Malaysia	4	0.8
Muhammad Amin Rayyis	Indonesia	4	0.8
Tokyo Saxwele Holdings (MVL)	South Africa	4	0.8
The Duleimy Group	Qatar	4	0.8
Muhammad Ma'moun Al-Sab'i	Syria	4	0.8
Surgut Neftegas	Russia	4	0.8
Sultan bin Zayed Al-Nahyan	United Arab Emirate	4	0.8
Muhammad Saleh Al-Hourani	Jordan	4	0.8
Liberation Organization	Palestine	4	0.8
Mashhur Haditha	Jordan	4	0.8
IOTC (Claude Caspert)	France	4	0.8
Montega	South Africa	4	0.8
Mayudor	Tunisia	4	0.8
Belfarm Company	Balarus	4	0.8
Indian Congress Party	India	4	0.8
Pitmall Company	Malaysia	4	0.8
Comeback	Nigeria	4	0.8
Omni Oil	South Africa	4	0.8
Farnaco	Tunisia	4	0.7
Zuhair Al-Khatib	Lebanon	4	0.7
Zarabsneft (Gobkin University)	Russia	4	0.7
Wafa Tawfiq Sa'igh	Palestine	4	0.7
Muhammad Amar Nofel	Syria	4	0.7
Lid Guarantees	Syria	4	0.7
Moscow Science Academy	Russia	4	0.7
Salim Al-Toon	Syria	4	0.7
Zarbshneft & Gas (Mr	Russia	3	0.6
Makram Hakim	Indonesia	3	0.6
Osama Ma'rouf	Lebanon	3	0.6
Ali Al-Muslim Company	Bahrain	3	0.6
Nile & Euphrates Co	Egypt	3	0.6
Trader Nafta	Russia	3	0.6
Tojan Faisal	Jordan	3	0.6
Faisal Darniqa	Lebanon	3	0.6
Sy Bolt	Netherlands	3	0.6
Philippines Production Group	Philippines	3	0.6
Najah Company	Saudi Arabia	3	0.6
Chad Foreign Minister	Chad	3	0.6
Najah Wakim	Lebanon	3	0.6
Salem Al-Na'ass	Jordan	3	0.6
Russian National Democratic Party	Russia	3	0.6
International Company for Trade and Investment	Lebanon	3	0.6
Napex Company	Switzerland	3	0.6
Ozia	Turkey	3	0.5
Lutfi Fawzi	Syria	3	0.5
Lada Company	Belarus	2	0.4
Fadi Al-Alamiyya (International) 2 million	Lebanon	2	0.4
Darlink Med	Vietnam	2	0.4
Fazmash Ampex	Ukraine	2	0.4
Media	Switzerland	2	0.4
Maqdar Sarjeen	Turkey	2	0.4
F.T.D.	Ukraine	2	0.4
Natuna Oil	Indonesia	2	0.4
Asiss Company	Saudi Arabia	2	0.4
Megawati Sukarnoputri	Indonesia	2	0.4
Gulf Petroleum	Qatar	2	0.4
Samir	Turkey	2	0.4
Concrete Contracting Company	Bahrain	2	0.4
Laka	Switzerland	2	0.4
Nordvest Group	Russia	2	0.4
International Multaqa Foundation	Egypt	2	0.4
Zayyad Yaghmour	Jordan	2	0.4
Hawa Atlantic	Indonesia	2	0.4
Arak Paul	Bulgaria	2	0.4
Delta Service	Switzerland	2	0.4
Afro-Eastern	Ireland	2	0.4
Yukos	Russia	2	0.4
B.B. Energy	Lebanon	2	0.4
Anwar Al-Aqqad	Syria	2	0.4
Energy Resources	Ukraine	2	0.4
Petroleum Wells Maintenance	Qatar	2	0.4
Petrolina Oil	Qatar	2	0.4
Hassan Al-Kayal	Syria	2	0.4
Haitham Seidani	Lebanon	2	0.4
Socialist Party of Ukraine	Ukraine	2	0.4
Chechna Administration	Russia	2	0.4
Grand Resource	Jordan	2	0.4
Al-Hami Bashanti Foundation	Egypt	2	0.4
Muhtashem	Turkey	2	0.4
Kadherm Al-Darazi Company	Bahrain	2	0.4
Fal Petrol	United Arab Emirate	2	0.4
KCK Company	Turkey	2	0.3
Tawfiq Abd Al-Raheem	Yemen	2	0.3
Vinapco	Vietnam	1	0.2
Mishinoimport	Russia	1	0.2
Delta Petroleum	Turkey	1	0.2
Thai Rice Trader Jaiporn	Thailand	1	0.2
South Holken	China	1	0.2
A.A.G. Company (Nigerian Ambassador)	Nigeria	1	0.2
Tatneft	Russia	1	0.2
The Ukranian House	Ukraine	1	0.2
Slovak Communist Party	Slovakia	1	0.2
Lufti Dughan	Turkey	1	0.2
Fim Oil Company	Lebanon	1	0.2
Plant [Blunt?] Petroleum	Lebanon	1	0.2
Sita	Turkey	1	0.2
Trans Isko	Ukraine	1	0.2
Tamam Shehab	Syria	1	0.2
Ali To'ma	Lebanon	1	0.2

Recipient	Country	Data	
		Barrels (MM)	Value ($MM)
Delf Aderlink	Romania	1	0.2
Fideralty Torkovy	Ukraine	1	0.2
IPS (Italian Petroleum Assoc)	Italy	1	0.2
Al-Hilal Co (Adnan Al-Hanani)	Lebanon	1	0.2
Wamidh Hussein	Jordan	1	0.2
Siberia Oil & Gas company	Russia	1	0.2
Iblom	Switzerland	1	0.2
Sipol	Switzerland	1	0.2
Continental	Cyprus	1	0.2
Bony Fiol	United Arab Emirate	0	
West Petrol	Italy	0	
O.S.C.	Vietnam	0	
Hetralk	Italy	0	
Abu Abd Al-Rahman	Pakistan	0	
Millenium	United Arab Emirate	0	
Petroleum Prdoucts Co	Sudan	0	
Oil & Gas Group	Pakistan	0	
Sayyed Azzaz	Pakistan	0	
Belarus Communist Party	Belarus	0	
Grand Total		4,044	$808.8

Finally, I want to close my portion of this by just reminding everybody that when the Security Council set this scheme up, they charged the Secretary-General with the responsibility of oversight. In fact, they said that the Secretary-General is ''required to supervise the sale of Iraqi oil and to monitor the spending of the proceeds on specific goods and services for the benefit of the Iraqi people.'' Ladies and gentlemen, Congress is entitled to ask in response to these allegations, where was Kofi Annan when this was going on? Exactly what was he doing? What issue was he dealing with that was more important than the welfare of the Iraqi people that was to be funded from this program? The fact of the matter is, there was not anything else he was doing that was more important. There was nothing else he was doing that was more important. The danger in not addressing this situation and bringing transparency and accountability to it is that we will replay this over and over and over again to the detriment of the peoples of various other countries that struggle to make it in this world. I thank the gentleman from Connecticut.

Mr. Speaker, the following are excerpts from the U.N. Goals—Preamble:

We the peoples of the United Nations determined:

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

to unite our strength to maintain international peace and security

Mr. Speaker, the Oil for Food Program contradicted all of these principles stated in the United Nations preamble and tarnished the reputation of this important international organization. Throughout the past year, the scandal, corruption and deception that was blatantly ignored by the U.N. for over 7 years was finally exposed.

The U.N.'s Preamble mentions a goal of unifying countries in order to strengthen international peace and security. Mr. Speaker, we succeeded in strengthening Saddam's terror regime through this U.N. administered Oil for Food Program.

Lack of disclosure of documents, contracts, and audits, as well as lack of oversight of Iraq's dictatorial, abusive and corruptive leader—Saddam Hussein—led to the most corrupt U.N. program in the history of the U.N.

Benon Sevan, executive director of the Iraq Program, reported to the U.N. 661 Committee in July of 2001 that the U.N. was doing its best to ''cut costs in order to make additional funds available to the humanitarian program,'' with respect to the 2.2 percent oil export revenue the U.N. received for administrative and operational costs. However, audits reveal that the U.N. Iraq Program wasted funds by not charging the primary contractor, Cotecna, for office space, equipment, and medical services. The U.N. Oil for Food program paid Cotecna for staff that didn't show up to work and amassed fees for not paying bills on time.

Mr. Speaker, the U.N. Iraqi Program did not re-open the bidding process when contractors raised their costs to estimates equal to the second lowest bidders after contracts were awarded. The U.N. Board of Audit's 1997 report revealed that the first inspection contractor successfully added new inspection employees at $1,275 per day versus the original contract price of $770. No re-bid was required. A year later, in January 1998, Cotecna unilaterally increased its per-man-day fee by 20 percent from $499 to $600, the rate of the next lowest bidder. Despite the U.N.'s failure to keep costs down, they still received 2.2 percent for every recorded oil barrel Saddam sold.

Mr. Speaker, the U.N. lacks the accountability and transparency that is required to ensure faithful execution of its programs. In 1997, OIP hired Cotecna to verify and confirm the commodity, value, quantity and quality of supplies arriving in Iraq in accordance with the requirements of the 661 Sanctions Committee resolutions. The U.N. Board of Audit's 1998–2002 reports, the 2002 OIOS audit, and OIP field missions reported that Cotecna provided insufficient numbers of point-of-entry inspectors and failed to deliver, inspect, sample, verify and report goods imported into Iraq. Instead, Cotecna relied on suppliers for data and documents, such as cargo manifests.

Furthermore, neither Kofi Annan nor Cotecna bothered to declare a possible conflict of interest, considering the Secretary-General's son had worked for Cotecna.

In a statement made by Secretary-General Kofi Annan on the closure date of the Oil for Food Program, Mr. Annan stated that the Secretary General is, ''required to supervise the sale of Iraqi oil, and to monitor the spending of the proceeds on specific goods and services for the benefit of the Iraqi people.'' Mr. Speaker, where was Kofi Annan when Saddam scripted and carried out his scheme to skim off millions of dollars from oil sales and to buy junk instead of legitimate humanitarian goods from his cronies abroad?

Additionally, the 661 Commission, made up of members of the Security Council, was responsible for overseeing contracts, yet only the United States and Britain voiced concerns about potential fraud within the program. China, France and Russia remained silent in order to protect their interests in the extensive lucrative contracts that Saddam was offering them. We are not asking that the United Nations be dissolved, for we value cooperation and friendship among nations. However, we will not allow this organization which is supposed to be a beacon of ''justice and respect for the obligations arising from treaties and other sources of international law,'' to turn a blind eye to the scandals of this failed program.

We respect the Volcker commission for their investigation but are skeptical that with the track record of U.N. inaccessibility and lack of disclosure with regard to this Oil for Food Program, they will be given full access to the information they need. Mr. Volcker does not have subpoena power over the U.N. Nor does he have subpoena power over the former Baathist regime or the thousands of contractors that may have participated in the fraud. Lastly, Mr. Volcker cannot subpoena the government or various involved companies from China, France and Russia. We are demanding full cooperation and disclosure of all relevant documents by the United Nations, U.S. agencies or any international organizations affiliated with the Oil for Food Program. Let's restore faith in the U.N. by restructuring the organization to include more accountability and transparency in order to prevent this type of scandal from occurring again.

In his 2001 speech to the U.N. 661 Committee, Sevan stated that given security concerns and the arduous lifestyle in Iraq, he found it odd hearing that ''a mission to Iraq is one of the most cherished and sought-after assignments by the United Nations Secretariat staff.'' Well, Mr. Speaker, it may not have been so odd after all.

Mr. SHAYS. Mr. Speaker, with the 2 minutes or so I have left, I would just like to summarize. From its inception in 1996, the United Nations Oil-for-Food program was susceptible to political manipulation and financial corruption. Trusting Saddam Hussein to exercise

sovereign control over billions of dollars of oil sales and commodity purchases invited illicit premiums and kickback schemes now coming to light. But there is still much that is not known about the details for the Oil-for-Food transactions and that is why our committee and other committees of Congress are investigating.

This much we know, something went wrong. Saddam Hussein's regime reaped an estimated $10.1 billion from this program, $5.7 in smuggling oil and $4.4 in oil surcharges and kickbacks on humanitarian purchases through the Oil-for-Food program. There was just simply no innocent explanation for this. We want the State Department and the intelligence community and the U.N. to know there has to be a full accounting of all Oil-for-Food transactions even if that unaccustomed degree of transparency embarrasses some members of the Security Council. I appreciate Kofi Annan's call to me to tell me that he wanted to restore faith in the ability of the U.N. to do its job and subsequent appointment of Paul Volcker to lead an independent panel.

□ 2145

But we know Mr. Volker has to depend on the goodwill of the U.N., and we do not have the kind of faith where we believe that some in the U.N. will cooperate, since they were so clearly involved in these illegal acts. But we also need to know more than just what happened at the U.N. We also need to know what happened at the U.S. mission, we need to know what our intelligence community knew and now knows. We need their cooperation as well.

A CRITIQUE OF RICHARD B. CHENEY, VICE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes.

Mr. PALLONE. Mr. Speaker, almost immediately after Senator KERRY chose Senator EDWARDS of North Carolina as his Democratic running mate, the Republican attack dogs were out in full force. The most popular Republican attack was that JOHN EDWARDS does not have the experience to be vice president, and the second most popular, JOHN EDWARDS represents the interests of the trial lawyers.

Mr. Speaker, I ask the American people, has DICK CHENEY's experience paid off for them over the last 3 years? Tonight, I will try to highlight how Vice President CHENEY's experience in the corporate world has led to administration policies that benefit the corporate interests over the interests of all Americans.

I want to start by talking about Halliburton. After spending several decades in Washington here in the House and working for several Republican administrations, DICK CHENEY went to Texas in 1995 to run Halliburton. On his watch, Halliburton conducted business with Iraq, Libya and Iran, three countries that at that time supported terrorism and were under strict sanctions from the United States. Despite these sanctions, CHENEY's Halliburton did business with all three countries.

During the 2000 campaign, CHENEY said, ''I had a firm policy that we wouldn't do anything in Iraq, even arrangements that were supposedly legal.'' But while CHENEY was running Halliburton, two of its foreign subsidiaries sold millions of dollars worth of oil services and parts to Saddam Hussein's regime.

Vice President CHENEY ran a company that did businesses with companies that supported terrorism. Is the kind of experience Republicans are pointing to in lauding their vice president?

CHENEY continued to support his former company when he came to Washington as the vice president. We all know that the war in Iraq has been a financial windfall for Halliburton.

We also learned last month, Mr. Speaker, that in the months leading up to the war in Iraq, an undersecretary of defense had a meeting with members of the Bush administration, including the vice president's Chief of Staff, Lewis Libby, in which the undersecretary notified Libby and the others that Halliburton would be awarded a $1.9 billion defense contract. This meeting contradicts a statement made by Vice President CHENEY last September on Meet the Press in which CHENEY said, ''I don't know any of the details of the contract, because I deliberately stayed away from any information on that.''

Yet, Mr. Speaker, his own Chief of Staff attended a meeting six months before the war in which secret contingency plans for the Iraqi oil industry that focused only Halliburton were discussed.

Does Vice President CHENEY want the American people to believe that his main staffer, his chief of staff, was at a meeting where contracts for Halliburton were discussed, but that he, the vice president, was never informed about them?

The primary reason Halliburton received billions in no-bid contracts from the Bush administration can be attributed clearly to the cozy relationship between CHENEY and Halliburton. And despite all the problems Halliburton has faced over the last year, the vice president continues to be an unyielding, positive spokesman for the company.

In 2002, CHENEY said, ''Halliburton is a fine company and I am pleased that I was associated with the company.'' I wonder if Vice President CHENEY thought Halliburton was a fine company after it was forced to acknowledge knowledge that it accepted up to $6 million in kickbacks in its contract work in Iraq? Or does the vice president think that Halliburton is a fine company now, now that it is under scrutiny over allegations of overcharging the government $61 million in Iraq? Or was the vice president pleased with his old company's conduct when it received several warnings from the Pentagon that the food it was serving U.S. troops in Iraq was dirty?

Perhaps the vice president overlooks these abuses of our troops and the American taxpayers because he continues to receive money from Halliburton.

Vice President CHENEY tried to squash a story when he appeared on Meet the Press last year. The vice president stated, ''And since I left Halliburton to become George Bush's vice president, I have severed all my ties with the company, gotten rid of all my financial interests. I have no financial interests in Halliburton of any kind, and haven't had now for over 3 years.''

But despite the vice president's claims, the Congressional Research Service issued a report earlier this year concluding that because CHENEY receives a deferred salary and continues to hold stock interests, he still has a financial interest in Halliburton. In fact, if the company were to go under, the vice president could lose the deferred salary, a salary he is expected to continue to receive this year and next year.

While losing around $200,000 a year might not put a big dent in the vice president's wallet, he clearly still has a stake in the success of Halliburton.

And the vice president also neglects to mention that he continues to hold more than 433,000 stock options with Halliburton. The Congressional Research Service reports that these stock ties ''represent a continuing financial interest in those employers which makes them potential conflicts of interest.''

So the vice president misrepresented what he and his staff knew about the initial no-bid contract, as well as continued financial interests in Halliburton. And I ask again, Mr. Speaker, do we want a vice president who continues to benefit from a company that is essentially robbing the American taxpayers of millions of dollars? Is this the kind of leadership Republicans are touting when they praise CHENEY's leadership abilities?

I could go on. I would like to talk briefly, I see that my colleague from Washington is joining me tonight, I would like to talk a little bit about the link between al Qaeda and Iraq and the vice president's comments on that, because sometimes I think, Mr. Speaker, the Republicans admire Vice President CHENEY's tenacity for refusing to accept, despite all the evidence to the contrary, that there is a connection between al Qaeda and Iraq.

Last week, as we know, the Senate Intelligence Committee's report concluded that even though the CIA repeatedly told the White House it did not have any strong evidence linking Iraq to al Queda, CHENEY and the rest

of the Bush administration went ahead and characterized a close, well-documented relationship in an attempt to justify to going to war with Iraq. The Senate Intelligence Committee called such linkages murky and conflicting.

Of course, the 9/11 Commission previously went further, reporting last month there did not appear to be a collaborative relationship between Iraq and al Queda. Those things are pretty obvious.

Do we have any apology from Vice President CHENEY? No, not even close. The Vice President continues to be in denial. He went so far as to justify this denial by saying that he had reports that the 9/11 Commission did not have to prove the connection between Iraq and al Queda, but earlier this month the 9/11 Commission rebutted those claims, saying they had access to all the same intelligence that CHENEY had.

Do the American people want to stick with a Vice President who cannot finally admit he is wrong and remains in denial about something as critical as connections that led us down to war in Iraq?

So on the foreign policy front, again, I think the Vice President has been a complete failure. He erroneously sold Members of Congress on a war that did not need to be waged.

But what about domestic policy? Let us just talk a little bit about that as well. I would like to talk about energy policy and the Energy Task Force which the Vice President was so much involved with. The largest piece of domestic legislation that the Vice President had his fingerprints on clearly is the energy bill and his secret Energy Task Force.

Over the past 3 years, the Bush administration and Congressional Republicans have done nothing to help consumers struggling to pay higher gas prices. When I go home, it is one of the big things my constituents talk about, the higher gas prices. I would argue that essentially the Bush administration and the Vice President, because of their background, are essentially supporting oil and gas companies. They do not have a problem with the price increases.

Vice President CHENEY and Republicans have never been interested in lowering gas prices, and the reason is because high gas prices mean high profits for big oil and gas companies that worked in secret with Vice President CHENEY in crafting the Republican energy bill.

For 3 years now, the Vice President has done everything he can to keep the records of his Energy Task Force secret. This secret task force developed President Bush's energy policy, a policy that was then made into legislation here in Congress, and that legislation passed this House, but it is now stalled in the other body. But, nevertheless, the end result was bad energy policy.

There is no doubt that the energy industry succeeded with its influence during these secret, closed-door meetings in crafting a policy that benefited them rather than benefiting Americans, and now Americans are paying the price the at the pump.

For 3 years, the Vice President has refused to let the American people know who made up in Energy Task Force. For 3 years now, the Vice President has refused to let the American people know how and why the task force came to the conclusions that it did.

What about Enron? Let me just take a few minutes to talk about that, and then I am going to yield to my colleague from Washington State.

Could it be that the Vice President wants to keep the records of his Energy Task Force secret because he wants to continue to distance himself from Enron? After all, you know, Enron has not been looking too good for the last few days, with what happened with their chairman Ken Lay in the last week.

According to a 2002 report by the Committee on Government Reform in the House, seven of the eight recommendations that then Enron chairman Ken Lay gave to Vice President CHENEY miraculously made their way into the final Energy Task Force report. So we know that Enron and Lay, they were very much involved in this report and ultimately the legislation that came out of it.

Back in January 2002, the San Francisco Chronicle released a memo given by Enron Chairman Lay to Vice President CHENEY at a meeting on April 17, 2001. Enron's memo contains recommendations in eight areas. In total, the White House energy plan adopts all or significant portions of Enron's recommendations in seven of these eight areas.

Enron representatives had six meetings with the White House Energy Task Force, including four meetings that occurred before the release of the final report. The White House has consistently refused to disclose what Enron requested during these meetings.

Despite all these meetings and the fact that Enron Chairman Ken Lay was President Bush's largest financial supporter, another reason the administration may want to keep these documents a secret is they do not want the American people to see more collaboration between the Bush administration and former Enron executives.

Now, I ask you, we talked about foreign policy, we talked about domestic policy. Does any of this seem to be a good record? Not only has his energy bill not gone anywhere, but Vice President CHENEY refuses to allow the American people and this Congress to see exactly who helped him craft this energy bill.

Again, I am not surprised, given what happened to Lay last week, that they are going to try to keep it secret. They refuse to open up in detail any of this information.

So, Mr. Speaker, CHENEY's 3 years as Vice President have been abysmal. Perhaps that is the reason some Republicans in his own party are asking him, for the sake of the Republican Party, to step down.

I thought it was very interesting, with all these attacks that were taking place last week and even on this floor against JOHN EDWARDS, talking about lack of experience and all this other nonsense, that at the same time that EDWARDS was nominated, or asked by JOHN KERRY to be his running mate, we just kept getting more and more reports about how the Republicans might be trying to get rid of DICK CHENEY. It does not seem like that is likely, but it is no surprise, given CHENEY's record on both foreign and domestic policy.

With that, I would like to yield to my colleague here, I see we are joined by a couple of my colleagues, the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentleman very much. I think it is really commendable that the gentleman would get up here at this hour of the night and call this group together to talk about the President and Vice President of the United States.

You know, you think about him, and you realize this man is one heartbeat away from the Presidency. If something should happen to George Bush, he would be our President.

The legendary comedian George Carlin made famous the seven no-no words, and the Vice President has already used one in an exchange with one of his colleagues in the other body. Just picture the situation. Here are Members of the other body getting together for a group picture, kind of like college graduation or a wedding picture or whatever.

In the middle of that, there is an exchange of ideas about the fact that one Member of the other body did not think that the Vice President was being straightforward about the Halliburton issue. And the Vice President of the United States, now, this man is the man we are thinking about would be the next in line to deal with the world leaders, with the prime minister of Germany, with the prime minister of England, with all these people, and the only word that he can think of is a word that, when Bono said it on television at the Academy Awards, all the roof fell down. I mean, everybody was just outraged that this guy would be out on television using a four-letter word.

The Vice President does not even apologize. He says ''I am glad I used it. I would use it again.''

□ 2200

Obviously, there are different standards for people like Bono and the Vice President of the United States; he can do anything he wants, I guess. And he really has shown that characteristic through his whole behavior. It would really be good if he would come out and be honest and talk about the fact that he has been part of the deception that has gone on in this setting.

Mr. STRICKLAND. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Ohio.

Mr. STRICKLAND. The Vice President uttered on the floor of the United States Senate a graphic, sexual obscenity that is, I think, beneath the office. And the gentleman is right, when he was asked about it, he indicated he was not sorry he said it; in fact, he said he felt better. Now, this chamber and in fact much of the country got terribly upset a few months ago when there was an incident during the half-time at the super bowl when Janet Jackson had part of her anatomy exposed. I did not see the super bowl, I did not see the half-time show, so I did not see that incident, but it has been described.

I guess I would ask this of the Vice President or of the American people: what is more harmful in terms of setting an example for the young people of this country, the children of our country, a momentary glimpse of a part of the human anatomy during an entertainment show on TV, or the Vice President of the United States on the floor of the United States Senate using a very graphic sexual obscenity directing it toward a United States Senator? And then I would further ask this question. all of us perhaps lose our tempers sometimes and say things that we should not say and are later sorry for. I know I do. I mean I think that is part of the human condition. But what I found most objectionable about the Vice President's behavior is that hours later, when he had had time to reflect upon his behavior and its possible influence upon the country, that he was asked on Fox News, and I was watching that show; in fact, I followed him on Fox News just a few moments after he had completed his interview, he was asked if he was sorry, and he said no, he had no regrets and, in fact, he felt better.

Now, this is the Vice President of the United States, a person who talks about values, about moral values, and I just think it is quite unfortunate that this incident happened, but I can understand that it happened. As I said, we are all human. We all get angry, perhaps, at times. I confess that I have been guilty of that kind of behavior. But what I found so objectionable was the Vice President's unwillingness, even after he had time to reflect upon it, to admit the error.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, my friend from Ohio is a psychologist, and I am a psychiatrist, and we know a little bit about human behavior, and it is true, we have occasionally gone beyond where we intended to be. But there is a pattern with the Vice President. He is never wrong. He is never wrong.

Now, the 9–11 Commission came out and said that there is no tie between al Qaeda and Iraq, and the Vice President said, I have information here that I never gave them. So they said, well, give us the information. And he said, no, I am right, because I know what I have in my information here. I mean there is a pattern of behavior here that says, when I say something, it is right, and nobody can change it, nobody can challenge it.

The same is true with holding the meetings in his White House office. I mean when we have all, all the leadership, including Ken Lay, I mean this is the guy that took Enron into the ground and put enormous costs on people all over the west in this country because of the manipulation of what they did; when you have those people in your office and you have a meeting to design the energy policy for the United States and then do not even think you have to tell us who was there, much less what you talked about or what was decided. And then you have the gull to go all the way up to the Supreme Court. Oh, and of course, in order not to have there be any slippage, we will go hunting with one of the members of the Supreme Court, just so that they have a chance over a bottle of beer or, excuse me, a cup of coffee, to talk about what is coming up before the court. This man is never wrong. He is never wrong.

Now, he dismisses it all as just simply people who are unpatriotic or partisan; he has a whole series of things that he brands on people who question him. He cannot be questioned. I cannot wait for the debate between the Vice President and JOHN EDWARDS, a trial attorney. I think this is going to be fun, because even members of his own party have to stand by while he distorts the truth, and I think that he is going to be called to account, to some accountability in the debate which occurs, I think in Cincinnati or Cleveland in Ohio, is that right?

Mr. STRICKLAND. Cleveland, Ohio.

Mr. MCDERMOTT. I mean, when we see what the State Department has done, and they tried, and I think Colin Powell actually made a genuine effort to tell the President what was what about Iraq. But the Vice President of the United States saw fit to go out to Langley, that is where the CIA is, out in Langley, Virginia, to go out there 5 times to tell them, look harder at that data. You are not coming up with the right answer.

Mr. STRICKLAND. Mr. Speaker, I just want to support what my friend from Washington State has said. I want to read something that the Vice President said on August 26, 2002 in a speech that he gave on that date. He said, ''Simply stated, there is no doubt that Saddam Hussein has weapons of mass destruction. There is no doubt that he is amassing them to use against our friends, against our allies, and against us.''

Now, the Vice President could have said, we have reason to believe, or I believe, or Saddam Hussein may have weapons of mass destruction, but the words he chose to use were the words ''no doubt.'' There is no doubt. And as a result of that thinking, we have lost nearly 900 American lives in Iraq. Many, many thousands of our soldiers have been terribly wounded because the Vice President and others in the administration were willing to say ''there is no doubt'' when, in fact, there was great doubt, significant doubt. And I believe that if the American people had been told that Saddam Hussein may have weapons of mass destruction, but we do not know for sure, I believe the American people would have supported letting the inspectors have a longer period of time, time that they requested, to make sure that we knew whether or not Saddam Hussein had these weapons of mass destruction before we sent our soldiers into harm's way.

Mr. PALLONE. Mr. Speaker, if I could just say, in addition to that, I am sure it would have influenced the vote here in the House. I did not vote for the resolution in part, in large part because of what the gentleman said, which is that I thought that there needed to be more of an effort to reach out to our allies and not act unilaterally. But I distinctly remember being on the floor that day and having Members come up to me and say that they were going to vote for the resolution to go to war because of the representations that were being made by the President. They said, the President is telling us he has this information, and we believe him, and that is why I am going to vote that way.

So I will say I have no doubt that it might have gone the other way on the resolution if, as the gentleman said, it had not been represented by this administration, both the President and the Vice President, that there was more than enough evidence to prove that the weapons of mass destruction were there.

I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, I think one of the things the gentleman is saying gets to one of the things that is really troublesome about this. The American people do not know at a given time what the facts are. They assume that the President, that is his responsibility to do it. He is gathering information, he is gathering intelligence, he is making reasonable decisions. And basically, we put our trust in him.

Now, when you put your trust in someone, and then it is shown categorically that it is not true, as by the 9–11 Commission, you have a man who cannot accept reality. I mean the members on the Commission, they were not all Democrats, it was not all Republicans, it was not people who are far to the right or far to the left or anything else; it was a mixture of very well-qualified people to sit in judgment on these issues. And when they make a judgment and the Vice President says I do not believe it, I simply do not, how could somebody like that make decisions for us?

Mr. PALLONE. Mr. Speaker, the chairman of the Commission was the governor that I served under in the State legislature in New Jersey for 6 years, a staunch Republican who has actually been out there campaigning against me on occasion. So I mean you cannot ever convince me that Governor Kean was not doing what he thought was the right thing, and is a very knowledgeable and intelligent man, even though I disagree with him on a lot of issues, so the gentleman is absolutely right.

Mr. McDERMOTT. Mr. Speaker, if the gentleman will yield, the Vice President, not only on war issues, big issues, but let us get down to little issues like millions of dollars that he gets in residual payments from Halliburton. Here is a guy who says, I have no connection to those people. Yet the newspapers report that his assistant is there when they give the contract, the no-bid contract to Halliburton. Now, the ability to look into the camera and absolutely misrepresent the truth is a real skill. This guy is very qualified at this. I mean the facts are in the newspapers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). Members are reminded not to make improper references to the Vice President such as accusations of dishonesty. The gentleman may proceed in order.

Mr. McDERMOTT. The question of what is in the paper, I suppose, is always a question of whether that is the truth or not, but the truth sometimes categorically is in opposition to what the Vice President says.

Now, of course, the people have to make their mind up about that. They can say, well, you know, we do not think he is telling the truth, or they can say well, maybe he forgot, but I do not know how you would forget that you were getting millions of dollars in residual payments from Halliburton. I do not know how one would say they forgot that one of your aids, your number one guy is the guy who was there explaining that they got the new contract. People will see that and, I think when they think about that, and they come into this election and then they say, do I trust him to take care of us? If the Cuban missile crisis came, would you want somebody who cannot accept reality?

One of the things that John Kennedy did, one of the really important things for us to understand is, he got us into the Bay of Pigs and when they confronted him with it, he said, the buck stops here. I was wrong. When it came to the Cuban missile crisis, he said to Bobby, go out and get everybody on both sides of this issue, on all sides of this issue. I want to hear people who are telling me that I am right, people who are telling me that I am wrong; I want to hear the whole thing. Now a man who knows it himself what the answer is, has the information in his own pocket here, and does not share it with the 9–11 Commission, that does not sound like the kind of person one would want to trust with our youngsters.

I mean I had the experience during the Vietnam war of taking care of casualties, and I took care of casualties who were people who went to Vietnam believing something because they were told by their President, and they went there and found out it was not true.

□ 2215

And they came back really messed up by that experience, and you have had a report already coming out of the New England Journal of Medicine talking about the fact that 1 in 5 are going to come back from this war, because the leadership of this country would not tell them what really was happening, they are going to be messed up from this, and this President, this vice president, he just does not seem to be bothered by that. It is quite amazing when you think about it.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY) who is joining us now.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman from New Jersey for coming down to the floor this late in the evening and giving the rest of us an opportunity to talk about what is a very important issue, and that is top leadership in our country. And something that I have thought about for a long time from the moment I received this holiday card from the Cheneys, one of the things about being in the United States Congress, I do not know that we are so popular necessarily, but we are on a lot of lists, and we get holiday cards from dignitaries, some from all over the world and am honored to get holiday cards from the top leadership in our country. And it is a lovely card. It shows the interior of the residence of the vice president and has a pleasant greeting that you might expect, ''Our best wishes to you and your family in this holiday season and throughout the year ahead, Lynne Cheney and DICK CHENEY,'' and I thought that was really nice and getting ready to hang it up along with my others, and then I looked at the quote that is here.

And generally when there is a quote, it is something inspiring like ''peace on earth, good will toward mankind,'' et cetera. And I read this quote, and it says, ''And if a sparrow cannot fall to the ground without his notice,'' meaning God's notice, ''is it probable that an empire can rise without his aid,'' speaking about God's aid.

I looked at that again, because I got a kind of shudder when I read it. ''And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?''

And what I read in this, and I do not know if I read it wrong, is that this notion of an empire rising with the assistance of God. And I was really upset by this, that this was not exactly this notion of peace on earth; but, rather, this depicted this kind of view of building an empire and doing it with God on our side. And quite frankly, I found this troubling.

The vice president subsequently was questioned about it, and he just sort of offhandedly said that Lynne had picked out the quote and he had not really paid much attention to it, but I found it particularly, at the time that it was received while we were and have been engaged in this war in Iraq that many do feel is part of a vision of building an empire, to be a very, very chilling notion.

I wanted to also talk a little bit about the Halliburton connection, and of course all of us do that at some risk, because if we run into the vice president, we may be subject to some unpleasant language, as Senator LEAHY found on the floor of the Senate. But things that are undisputable that the vice president has said about Halliburton and his connection with Halliburton, ''gets unfairly maligned simply because of their past association with me.''

And then he said in January 22, 2004, ''I would not know how to manipulate the government contract process if I wanted to.''

And then also that same day, January 22, 2004, ''I severed my ties with Halliburton when I became a candidate for vice president in August of 2000.'' In fact, however, the vice president received $178,436 in deferred payment last year from Halliburton, and so that was not entirely accurate.

But perhaps more troubling are some of the issues that have been raised that really do question whether or not there was any connection between the vice president's office and the contracts with Halliburton, which it seems that U.S. officials have estimated that the Texas company's Iraq deals, Halliburton, from everything from oil repairs to meals for the troop would eventually total something like $18 billion.

Now, $18 billion, when I was in the State Legislature in Springfield, that was getting a little bit close to the budget for the State of Illinois, and I am sure that it is an amount of money that does exceed the budget of many States and certainly of many countries around the world. $18 billion is a lot of money.

But what was found was that in fact in the fall of 2002, preparing for war, and this is the fall of 2002, we had not voted yet, or at least a decision had not been made yet to go to war, the President and the vice president at the time were still saying that this was not a done deal that we were going to war; but in making preparations, the Pentagon sought and received the assent of senior Bush administration officials, including the vice president's chief of staff, before hiring the Halliburton company to develop secret plans, secret plans, for restoring Iraq's oil facilities. That is what Pentagon officials told Congressional investigators.

So secret plans were being developed, and at that time Halliburton, after connecting with the vice president's office, the vice president's chief of staff, gets this relatively small contract. I think it was about a billion 4. That is all, just a billion 4 contract, kind of walking-around money.

These are, after all, the statements about the lack of connection with the vice president. It says on March 5, 2003, a Pentagon e-mail sent by a U.S. Army Corps of Engineer official said, the e-mail said, ''Douglas Feith, who reports to Deputy Defense Secretary Paul Wolfowitz, approved arrangements for the contract to rebuild Iraq's oil industry, contingent on informing White House tomorrow that we anticipate no issues since action has been coordinated with the W.H. VP.'' That was an e-mail.

Now, we know that to be true. That is not a speculation. This is an e-mail. This is a document that we have that is suggesting people who have no reason to malign the vice president, that that kind of connection was made that suggests very strongly, to say the least, that the vice president of the United States, who was the former CEO of Halliburton, that before major multi-billion dollar contracts were awarded, that there was a checkoff.

Now, the vice president says they still stand by their statements that there is no connection.

Mr. MCDERMOTT. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. We have read those stories. Can we think of any explanation for why the vice president would say that he has no contact with this in the face of that e-mail?

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. The only thing one could think of is that for some reason, that the vice president's chief of staff did not tell him or something like that, but it seems to me if anyone feels the necessity to check with the vice president's office, whether or not he was involved directly in conversation, then I think the American people need to question that connection. Why would anybody need to do that or feel the need to do that? This is very important.

Let me just say this. We talk a lot about separation of church and State, but in some ways this lack of separation between corporations that are looking to make profits and the public interest, and what our mandate and the mandate of all elected officials is to protect the public interest. This blurring of those divisions is very, very troubling. Are the interests of private corporations going right up to the vice president's office? That is a worthwhile thing for Americans to know about.

Mr. PALLONE. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Just recently, the Columbus Dispatch, the major newspaper in Ohio's capital city, had an editorial, and they pointed out that former Halliburton employees have made accusations that Halliburton housed some of their employees in hotel rooms that cost $10,000 per night. $10,000 per night, paid for, obviously, through these contracts, which ultimately are financed by the American taxpayer.

Mr. PALLONE. Mr. Speaker, reclaiming my time, could I ask what hotel charges $10,000 a night?

Mr. STRICKLAND. I was amazed, but as I checked into it, it was not a misprint, $10,000 per night. Apparently there are hotels that have those kinds of prices.

There were also accusations made that Halliburton was paying $100 for one bag of laundry, and then there were further reports that when a contract with Halliburton to provide food to our troops was cancelled, that the cost of feeding our troops declined by 40 percent.

Now, this was information contained in an editorial in the Columbus Dispatch, and it was based upon information that was coming from a former Halliburton employee. And in that editorial there was a call for Halliburton and Vice President CHENEY to be forthcoming in explaining whatever relationship may have been involved in Halliburton's achieving this kind of contract. And the emphasis was made that when you have a contract that is a cost-plus contract, there is really no incentive to hold down the costs.

And so while we are struggling here in this country to meet the basic necessities of our citizens, we have senior citizens without adequate access to prescription drugs, we have children that are not being adequately educated, we have an infrastructure in our communities that is crumbling and falling apart while we cannot get a transportation bill passed, because the President is unwilling to spend money on the infrastructure needs in this country, while we are pouring money into Iraq, we have these outrageous contracts, which are enriching Halliburton and draining resources from our country. It is quite disturbing, and I do think the vice president, the administration owes the American people an explanation.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I want to correct something. First of all, in that first small contract, and I was making a joke about $1.4 billion, and I was wrong about that, it was only a $1.4 million contract; but according to the General Accounting Office, the Pentagon acted improperly in tapping Halliburton company to plan the post-war repair of Iraq oil fields, a small-scale task order that opened the door to a much wider role for the company in Iraq, the General Accounting Office said in a report released Monday. That was the middle of June of this year.

The contingency planning task was valued at only $1.4 million but was significant, because it enabled the U.S. Army Corps of Engineers to award a no-bid contract to Halliburton to fulfill a larger mission of actually restoring Iraq's oil industry to pre-war capacity.

□ 2230

I think the fact that a number of these contracts too were no bid contracts, that some of which ended up with Halliburton actually paying fines of engaging as they did in the oil that they were importing and overcharging and overcharging for employees, that ultimately had to be either ended or fines were paid. But, nonetheless, the bottom line is that this is a company that it appears is making about $18 billion overall in contracts in Iraq. And if this is in part at least the consequence of some kind of or benefited by a special relationship, then I think that the American people are entitled to know the full facts about that.

Mr. PALLONE. I appreciate the gentlewoman's information because I think that we have to deal with the facts and the gentlewoman is giving us some real factual information there about Halliburton, and how they benefited and the vice president's connection to it.

Mr. MCDERMOTT. May I take a minute to make a recommendation to my colleagues and anybody watching, there is a book called ''The Imperial Hubris.'' It is written by anonymous. That means this is somebody who worked for CIA for a number of years and they are not allowed to put their name on here, but the subtitle is ''Why the West is Losing the War on Terror.''

What we are talking about tonight is the character of the leadership of Mr. CHENEY is clearly related to why we are having so much difficulty in Iraq. They will not listen to people. They give private contracts to the private industries and say, you guys do all of this stuff, and their friends are making money hand over fist, and yet our kids are dying over there.

Mr. PALLONE. And also they continue to deny the reality. I mean, after the CIA report came out, it was either today or yesterday, that the President, President Bush was out there saying that the war has resulted in the U.S. being in less danger of attack and terrorism is down, the whole thing. And the Democratic candidate, Senator KERRY dispute that and said, Where are the facts to back this up?

In the last few years we know that North Korea has more nuclear weapons than it had before, 3 or 4 times as many. There is no question that Iran is developing nuclear capability, I mean, the list goes on. Afghanistan, I think KERRY said, has basically been made into a sideshow. We do not even hear about what is going on there.

Ms. SCHAKOWSKY. I thought the suggestion that really takes the cake,

that even surprised me was that while we are being told that the world is safer than it was before, we are being told that plans are being considered to postpone the November elections. I never heard such a thing like that, that we should be so filled with fear that maybe even the November elections would have to be moved. I think all Americans ought to be up in arms about that.

Mr. PALLONE. Our colleague from Washington addressed that issue the other night in a special order, and he pointed out very effectively I thought, number one, that during the War of 1812 he was talking about President Madison, the Capitol was literally burning and the White House too I guess, and we have still had elections. And then he mentioned the Civil War, the Capitol was under siege, literally being bombarded and we had elections. What could be more threatening from a terrorist point of view than actually being under siege and yet we had elections.

Mr. STRICKLAND. I think you can go downstairs here in this Capitol building and look in the stairwell and actually see pock marks where bullets were fired during that period of time right here in this building, the Capitol building. And Abraham Lincoln in 1864 was really in danger of losing his presidency because the war was not going well. There had been some recent losses and there was wide spread criticism of President Lincoln as the President and some of his advisors were advising him to postpone the election. And this is what President Lincoln said on November 10, 1864, ''We cannot have free government without elections and if the rebellion could force us to forego or postpone a national election, it might already fairly claim to have concurred or ruined us.''

We are strong people. We can take a lot. The American people have backbone. They have got courage. There is nothing that terrorists can do that ought to have the power to interfere with our ability to have a national election on November 2 as planned, absolutely nothing. And I think to imply that those who wish us harm would have that kind of power to influence our national purpose and our national behavior in that way is giving greater credibility to the terrorists than they deserve.

We are going to have that election on November 2, I believe, but it does bother me, it truly bothers me that this would be something that would even be considered by this government. It really bothers me. If we did not cancel or postpone elections during the Civil War, if we did not cancel or postpone elections during World War II, why would we even contemplate the possibility of postponing this upcoming presidential election.

One more thing, if I can say this before I yield back, we all want to trust each other, but what kind of motivation may such a provision inspire? What if it was 3 days before the election and the poll was taken and showed perhaps the party in power was not going to do very well, would there be incentive to perhaps indicate to the American people that there was a justification for postponing the election? I would hope not.

But even to have this as a consideration I find alarming, appalling, and as I said earlier tonight, I would just hope the President and every Member of this chamber, Republican and Democrat alike, would reaffirm to the American people that we intend to have our election on November 2 as planned, and that there is nothing that terrorists can do to interfere with that Democratic process.

Mr. PALLONE. I yield to the gentlewoman.

Ms. SCHAKOWSKY. Just on that point of the November 2 election, the gentleman was discussing what possible motivation, the last thing that we want to do is to create in people's minds a fear about voting on November 2. What our democracy is based on is the fullest possible participation and Americans have nothing to fear but fear itself. And what I worry about is that there is a fire being instilled that somehow that people, that something could happen and it would not be safe to vote. Quite the contrary.

This is the land of the free and the home of the brave. And the most important unit of our democracy is our vote. And to even imply that we would at a time when we want to declare and spread democracy around the world, even consider the postponement of an election is completely unacceptable.

I think that all of us have to, as leaders in this country, make sure that that notion is stomped out immediately, that no matter what happens that we will go forward with an election on November 2. And if there is some kind of a threat about that, if there is some specific threat, after all, we did not raise the color from yellow to orange, if there is some specific threat that is known, then share that with the American people. Let us know what people need to defend themselves against and protect themselves.

The spreading of a generalized fear and then connecting that to the election is as specious I think as connecting Saddam Hussein with al Qaeda over and over and over again, which now the 9/11 Commission and the Senate Intelligence Committee has said there is no connection. There is no connection. Everybody ought to plan to vote confidently on November 2.

Mr. PALLONE. I appreciate the gentlewoman's comments and I agree. If we do not enshrine democracy and say that is the main thing we are about, then we might as well forget it. I think that was my colleague from Ohio's point as well.

I think we have maybe a few minutes left. I want to say I started out tonight talking about elections in a sense because I became very upset last night when I saw my Republican colleagues get up and basically malign Senator EDWARDS, the Democratic choice for Vice President, and the attack dogs were out in full force. And basically they kept saying that EDWARDS did not have the experience to be Vice President, and how he only represents the interests of the trial lawyers.

After I listened to everything that we collectively said this evening in our hour or so, it made me realize that Vice President CHENEY's life story and life experience certainly did not compare in any way to Senator EDWARDS.

I wanted to ask the question because I asked a few questions when I started, would you rather have a Vice President whose experience outside of Washington comes from running a corporate giant that was, during the time he was running it, doing business with the nations that engage in terrorist activities or all the other things that we have talked about here tonight, or would you rather have a Vice President like EDWARDS who worked to defend the little guy against the corporate giant?

Every time they bring up lack of experience or the trial lawyer experience of JOHN EDWARDS, all I keep thinking is that he spent his time as a trial lawyer looking to defend the little guys against the very corporate giants that the Bush and CHENEY administration essentially come from. And unlike CHENEY, EDWARDS spent decades fighting for families and children hurt by the indifference and negligence in many case of these large corporations. And he was standing up against the powerful insurance industry and their lawyers in a sense. And he was always helping families to overcome the challenges.

I could give you some examples but I am not going to do that tonight. But I just, it just really riles me when I hear the Republicans stand up for these guys for this team, the Bush-Cheney team, who obviously come from the oil industry, always out there with the corporate interests, certainly based on what we said tonight in CHENEY's case continues to march to the tune, if you will, of these corporate interests including the company that he was in charge of for so many years.

Then we have got Senator EDWARDS who on the other hand was always out there fighting for the little guy. Needless to say, I think it is time for a change and if you are ever going to put the experience of these two candidates for Vice President against each other, there is no way that you are going to do anything but vote for Senator EDWARDS.

With that I wanted to thank my colleagues again. I thought they were really great tonight, and I appreciate the comments that they made, particularly those concluding comments about our democracy being at stake which is the thing that we cherish the most.

THE STATE OF AMERICA

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, after listening to the previous speakers, Mr. Speaker, I think of Ronald Reagan's words, There you go again.

Every 4 years we sort of experience the spinning and the demagoguery that takes place in this chamber using these podiums and C–SPAN to criticize the sitting President. Of course, Republicans did it 4 years ago and 8 years ago.

When I first came into office and was elected in 1992, the Democrats in this Chamber were using this forum to criticize the first President Bush, all the things that went wrong. But I think of what the criticisms were of President Reagan when he came into office. When President Reagan came to office America was demoralized. President Carter had spoken about our malaise in Watergate, and our defeat in Vietnam had all shaken our self-confidence.

□ 2245

We had given up the Panama canal. The Shah of Iran and supporters of the Ayatollah Khomeini held 52 of our Americans hostage for more than a year at our embassy in Tehran. The military rescue mission, of course, failed in the desert, and we lost eight of our servicemen in that venture.

Communism was on the march, and after South Vietnam fell, Cambodia followed. The Sandinistas took control of Nicaragua and Communist insurgencies were underway in Ethiopia, Angola, and certainly the Soviets invaded Afghanistan in 1979 and were suppressing the solidarity movement in Poland.

Our economic situation was very dire in 1980, and President Reagan came in and actually renewed our faith. America, in most American's minds, no longer seemed to be special, and we needed that kind of determined leadership.

The point I want to make, in reacting to some of the Democrats' criticism of this administration, was the criticism that President Reagan received when he believed we should stand up to the Soviet Union and we ended up doing that.

It was President Reagan's resolve that repulsed communism in the Caribbean and Central America and repulsed it also in Afghanistan. It was Reagan's resolve that nurtured solidarity in Poland and gave heart to the dissidents of the Soviet bloc, and it was Reagan's faith in American ideals that toppled the Berlin Wall. All of this time he was being criticized as being a trigger happy President that might push the red button for a World War III with the Soviet Union.

When he went to Berlin, and he was writing a speech for Berlin, he started out writing in that he wanted to include ''Mr. Gorbachev, tear down this wall,'' and all of his advisers and his speech writers said, no, do not do that; it will anger the American people and the world. They will think you are too bold; they will think you are too challenging. That might end up in war. You should just try to get along and make peace. But he insisted it go in despite that criticism, and that leads me to what historians are going to say 30 years from now in analyzing the decision and the determination of this President to go into Iraq.

Most everybody in this chamber and the Senate had the same kind of intelligence information that the President and the administration had. Some of that intelligence information, we have now discovered, was very inaccurate in some regards.

IRAN

Mr. SMITH of Michigan. Mr. Speaker, I want to tell my colleagues and the audience, Mr. Speaker, about the new threat and the fact that some Democrats are saying, look, you have got to do something about Iran. Iran was one of the several countries after 9/11 that we knew were developing weaponry, that we knew that was a country being led by a tyrant dictator that was not trustworthy in terms of the threats and the blackmail. Iran today is becoming increasingly active in its drive not only to derail Iraq democracy but to lead the Islamic radical movement into the future.

In recent months, we have seen a series of provocations in Iraq that could be considered acts of war, that may make a coalition response necessary.

Iran appears to have financed and encouraged the Shiite cleric Muqtada al Sadr's Mehdi Army in their resistance and which was behind the April uprising in Sadr City and Najaf. Al Sadr continues to denounce the new Iraqi government. How much of this is coming from Iran? We now know that some is.

We held a recent hearing in our Committee on International Relations, and we found out that border patrols have captured at least 83 Iranians trying to cross illegally into Iraq, and there are several reports of brief incursions of the Iranian troops into Iraq along the borders.

Also in June, Iranian military forces hijacked a small British navy vessel in the Shatt al-Arab waterway with eight crew members aboard. The relief crew members say they were hijacked in Iraqi territorial waters before being escorted into Iran.

On July 5 American-Iraqi joint patrols, along with U.S. special operations teams, captured two men with explosives in Baghdad who identified them as Iranian intelligence officers, and I am relating now to the problems in Iran because it was one of several countries that intelligence says was developing mass weaponry and that was using that weaponry to blackmail its neighbors and threaten the world.

In addition, Iran has been working actively to produce chemical, biological and nuclear weapons, along with ballistic missiles for delivery. The Under Secretary of State John Bolton testified before our Committee on International Relations: The recently apprehended Pakistani proliferator Dr. A.Q. Khan has confessed to having shared nuclear technology with Iran. North Korea has provided missile technology, including the SCUD B, the 300 kilometer range missiles; and the SCUD C, the 500 kilometer range missiles. Iran's Shahab-3 missile is thought to be based on North Korea's so-called No Dong missile design.

The International Atomic Energy Agency inspectors say that Iran is in violation of its commitments as a signatory of the non-proliferation treaty. Iran is engaged in prohibited uranium enrichment activities, is in the process of constructing a heavy water reactor designed specifically to produce large quantities of plutonium usable for weapons and is seeking to produce polonium-210 which is used as a weapon initiator.

Iran failed to announce any of these activities as required by the non-proliferation treaty, and they go well beyond any conceivable, peaceful nuclear program. Iran has responded to these charges by threatening to end inspections and withdraw from the non-proliferation treaty.

My point is, Mr. Speaker, that we are facing a new challenge, somewhat unlike the challenge of the Cold War with the Soviet bloc, but every bit as challenging, every bit as dangerous.

The State Department continues to recognize Iran as the world's foremost State sponsor of terrorism. Iran's links to Hezbollah, Hamas, Palestinian Islamic Jihad, the Popular Front For the Liberation of Palestine, the al Aqsa Martyr's Brigade and the al Qaeda, has been directly implicated in the 1983 bombing of the U.S. marine barracks in Beirut, a series of bombings in 1986 in Paris, the 1992 bombing of the Israeli embassy in Buenos Aires and the 1996 Khobar Towers in Saudi Arabia.

In recent weeks, two Iranian diplomats assigned to the U.N. in New York were ejected for spying. The diplomats were said to be photographing sensitive sites.

Iran is clearly one of the most dangerous countries in the world and appears to be stepping up its efforts against a free Iraq. The West and the United States, we are working with allies to try to contain these threats. It cannot be just the United States.

IRAQ

Mr. Speaker, again realize that the U.N. is made up of some of these tyrant dictators. The U.N. is made up of individuals representing some of these countries with very selfish motivations.

When we look at the 13th and 14th resolution of trying to convince other nations to join with us in countering what was happening in Iraq with their

total disregard for the 13 resolutions, saying that there has to be inspectors, with Iraq kicking these inspectors out, it was countries like France and Germany and Russia that had deals with Saddam that were going to lose money if there was an invasion of Iraq. They were trying to actually lift the embargo on Iraq at that time because they could profit by it.

The chairman of sort of the counterpart for the Committee on International Relations from the Duma, the Soviet Union in Moscow, came before our Committee on International Relations, and he was talking about and mentioned that Iraq and Saddam Hussein owed Russia between $9 and $12 billion. One of us said, well, if the United States guaranteed that you would get that paid back, would that make a difference in how you would vote in the United Nations on the Iraq resolutions? He said, well, of course.

Here again, my point is that these countries are looking out for their self-interests, and if the United States is willing to spend its money, it is easy for some of these countries to stand back that might lose by going into Iraq, other countries that might lose by having to contribute finances at a time when their budgets are under the same kind of pressures ours are, and so I come back to how historians will look on our action after 9/11, going into Afghanistan and going into Iraq to try to counter the terrorist threat that is now facing the new free world.

I cannot help but criticize those individuals that try to play partisan politics to the extent of showing their exuberance in criticizing this administration for actions that most of that side of the aisle, certainly most of this side of the aisle, voted on when we voted to give the President the authority to militarily go into Iraq.

DELAYING NOVEMBER ELECTION

Mr. Speaker, there has been discussion, that I just want to comment on, about criticizing this administration for suggesting that we might delay the election. Every Republican I know in this Chamber and in the Senate have said no way are we going to postpone the election.

If there is any agreement that needs to be made in terms of potential terrorist disruption of the election, it is an agreement by the Republicans and the Democrats that we are going to have the election; that we are going to count the votes; and whatever the votes are is going to determine who is going to be the next President of the United States.

SOCIAL SECURITY

Mr. Speaker, I am going talk a little bit about Social Security this evening, but also it is partisan politics and demagoguery that I would suggest has been the reason why we have not proceeded with a solution on Social Security. We have known Social Security is going bankrupt, and we have known that for the last 14 years.

In fact, I wrote my first Social Security bill when I was chairman of the senate finance committee in the State of Michigan, and I brought it to Congress and I introduced it. I have introduced five Social Security bills, all of which have been scored by the Social Security Administration to keep Social Security solvent, and I have considered this one of my priorities in Congress because not solving this problem of keeping Social Security solvent and putting it off means that there is going to be much more drastic solutions that will have to be made in the future to keep Social Security solvent.

In terms of the demagoguery, it is easy to criticize anybody's suggestion on solving Social Security or Medicare or Medicaid, some of the overpromising we have done in those areas, because, for example, in Social Security, we have 80 percent of all of the retirees that are very heavily dependent on Social Security for their retirement income. So you can understand that it is very easy to frighten these people by saying, well, look, that Republican or this Republican wants to jeopardize your Social Security benefits.

□ 2300

And, boy, they want to privatize it; and the snake oil salesmen are going to lose it; and you will end up not having Social Security. Of course, I am paraphrasing, but you can understand that it is easy to scare seniors rather than coming together. And it has to be a coming together, Republicans and Democrats, to solve Social Security.

On this chart, Mr. Speaker, it is a pie chart of how we are spending money this year. As you see, the biggest piece of pie, the biggest, largest expenditure of the Federal Government, is Social Security, at 21 percent. The domestic discretionary programs represent 16 percent. We spend most of the year in our 12 appropriation bills, outside of defense, arguing about how we are going to spend that 16 percent of the total Federal spending.

Most of it is entitlement programs on automatic pilot. Even interest over here is essentially on automatic pilot. But I think it is important also to mention the dangers that are facing our kids and our grandkids in terms of increasing the debt of this country. Fourteen percent of the total Federal budget is used servicing the debt, or paying interest on the debt that we owe. That represents over $300 billion a year, and this is at a time when interest rates are relatively low.

We saw Greenspan and the Fed raised interest rates a little bit a few weeks ago. Probably another two times, maybe three times the rest of this year there might be another quarter. Maybe one of these times, depending on inflation, they might go up as much as a half. But the fact is, interest rates are going up. That means this piece of the pie is going up simply to pay interest on the outstanding debt, which is now $7 trillion.

And we are adding to that debt by our annual deficit spending. Now, deficits mean how much we overspend in 1 year. Debt is the adding up or the sum of all those annual overspendings. And as I mention, that is now $7 trillion. But we are increasing the debt by over $500 billion a year.

How do you put that in perspective? I think about the fact that we are a 228-year-old country, and it took the first 200 years of this country to get up to the first $500 billion of debt. Now we are going deeper into debt $500 billion a year. For lack of a better word, it is unconscionable for Washington to be so egotistical that they think our problems today justify taking the money from our kids and our grandkids that they have not even earned yet. What I am saying is this huge burden of the debt is going to be placed on future generations.

And the debt is only part of it. Overpromising. There is no question a politician that goes home and promises new services, new benefits coming from government probably gets on television or on the front page of the paper. And politicians that take home the pork barrel projects, that are seen cutting the ribbon probably are more likely to get elected. So we have been overspending and overpromising.

The green eyeshade people, our economists, call the overpromising unfunded liabilities. Unfunded liabilities mean that we do not have enough money coming in to accommodate those promises. This chart shows how much we are going to have to take out of the general fund to accommodate Social Security and Medicare and Medicaid. And by 2020, it is going to take 28 percent of the general fund budget, added to our payroll tax, our 15.2 percent payroll tax, to accommodate the shortfall, or the shortage between what we have promised in these programs and the extra money needed to keep those promises. If you go up to 2030, it is going to take over 50 percent of the general fund budget.

Are we going to take 50 percent of the general fund budget? No. That means tax increases. Or, if we do not have the guts, if we do not have the intestinal fortitude in Congress and in the White House, it means maybe adding to borrowing, which is going to add to the burden of interest.

After I voted against the prescription drug bill, Tom Savings, one of the actuaries, came to my office and said, these are my calculations of the unfunded liability, of what it is going to take in these programs over and above the money coming in from the payroll tax. Medicare part A, which is mostly hospitals, is going to be almost $22 trillion unfunded. Medicare Part B is going to be $23 trillion unfunded. Medicare part D, the new drug program, adds $16.6 trillion of unfunded liability. Social Security is $12 trillion unfunded liability.

Again, that means that that $73.5 trillion would have to be put into some kind of a savings account or investment account that is going to have a

return of at least inflation to accommodate the money that is needed over the next 75 years to pay for the benefits that have now been promised in those programs. I mean huge amounts of money, an almost inconceivable $73.5 trillion, that we would have to come up with today. But our total Federal budget, back to that pie chart, our total Federal spending only comes to approximately $2.4 trillion in 1 year. So total Federal spending is $2.4 trillion in 1 year.

This is a quick snapshot of the problems with Social Security. A very short-term surplus. What happened with the Greenspan Commission in 1983, they reduced benefits and increased taxes. A huge jump in taxes. So the huge jump in taxes, they figured if that was invested in a proper way, it could accommodate a longer-term solvency. But their expectations did not culminate the way they thought it would. And the fact is that starting in 2017, we simply go into the red from there on out, and that is sort of representing the unfunded liability in that program.

I think it is important to briefly describe how Social Security works. Benefits are highly progressive based on earnings. That means that if you are a lower income, you get 90 percent back. Ninety percent of what your wages were you will get back in Social Security benefits for that every month. So if you had $1,000 coming in for Social Security over a month's period, you would get $900 back in Social Security benefits for that month.

At retirement, all of a worker's wages up to the tax ceiling are indexed to present value using wage inflation. Indexed to present value means that if a job as a farmer, a boot maker, or anything else paid X amount 20 years ago, then that is going to be what you would pay that profession now. As far as wage inflation, that would be what you are given and assumed. So that just because you worked for a low wage 20 years ago, it would be put on the books and added up and calculated to determine benefits based on what that job would be paying today.

□ 2310

The best 35 years of earnings are averaged. The annual benefit of those retiring in 2004 equals 90 percent of the earnings up to $7,344, thirty-two percent of the earnings between the $7,344 and the $44,000 and then 15 percent of the earnings above $44,000.

What I do in my Social Security bill, I add another so-called bend point of 5 percent which has the effect of saving money by reducing the increase in benefits for high-income retirees. And then early retirees receive an adjusted benefit so if you decide to retire at 62 or 63, it is going to be less than if you decide to retire at 65 or 66 or 67.

I put this on because so many people in the maybe 250 speeches I have given on Social Security complain about somebody abusing Social Security with supplemental security income. And so I wanted to put this on my chart that SSI does not come out of the Social Security, it comes out of the general fund even though it is administered by the Social Security Administration.

We do a lot of talk about this word privatizing. Privatizing is a negative word. I, nor any other Member of this body or the Senate, has done anything except have a percentage of your wages go into a fund that is dedicated to your name. So government still controls it. What you invest in is limited to safe funds, so you do not have the option of saying, well, gee, this sounds like a really good deal so I'm going to invest in this new energy substitute. In my legislation, we limit investments to index bonds, index stocks, index cap funds.

It is interesting that when Franklin Roosevelt created the Social Security program over six decades ago, he wanted it to feature a private sector component to build retirement income. Actually when the Senate passed their Social Security bill in 1933, the Senate said these savings accounts are actually going to be owned by the worker but they can't take any money out till they retire. The House, and again this was after the Great Depression, said, well, we better have government handle all of these Social Security funds coming in and not really have any of the Social Security benefits in an individual's name. When they went to conference, the House won out and we have the program that we have today with the government taking all the money and if there is any surplus coming in from the FICA tax, from the payroll tax, then what Congress and the White House does is spend that surplus on other government programs. So for a start, let us get some real return on that extra investment from the surpluses coming in and let us not simply use it up by spending it on other programs. That is part, I think, of every bill that I have seen introduced.

The system is stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2017. Social Security trust funds go broke in 2037. But it is worse than that, because all the money is spent and there is only IOUs, that government owes this money back. If government follows the pattern that has been traditional for the last 50 years, then every time they have come short of money, they do a combination of reducing benefits and increasing taxes. When you consider that about 78 percent of American workers today pay more in the payroll tax than they do the income tax, I think it should be out of the question because it is significantly reducing the chances that workers can become wealthy if we continue to increase the tax on them like that.

Insolvency is certain. We know how many people there are and when they will retire. We know that people will live longer in retirement. I chaired the Social Security bipartisan task force. The medical futurists came in and predicted that within 25 years, anybody that wanted to live to be 100 years old would have that option and within 30 years with our new medical technology, with nanotechnology and what is happening in our research, anybody that had the money and wanted to live to be 120 years old would have that option. Already companies are coming in and saying we are paying retirees now, we are paying retirement benefits longer than they actually worked for us. You can see the predicament of the life span. That is the demography of the situation that now faces us in a sort of pay-as-you-go program where we depend on existing workers to pay their taxes in that immediately goes out to pay the benefits of existing retirees. As the birthrate goes down and as our medical technology allows people to live longer, it makes that kind of pay-as-you-go program unworkable. And so some changes have to be made. Almost every State now has made a transition from a fixed benefit to a fixed contribution type program. For the long run, we have got to move in that direction. Part of that movement is getting a real return on some of this money that American workers are sending in so that it can be their own individual account. A good persuasion is the fact that the Supreme Court now on two decisions has said that there is no connection between the taxes you pay in for Social Security and your entitlement to benefits. Taxes are just another tax bill, a tax on your payroll, and benefits are simply another benefit program and they are separate and there is no entitlement simply because you pay into Social Security all your life. It seems like that is a good argument, Madam Speaker, that says, look, let's have some of this in our open accounts so that if we die before we are eligible for Social Security it goes into our estate and it passes on to our heirs.

Here is sort of the picture of the demographic problem. In 1940, there were 28 workers paying in their Social Security taxes to accommodate every one retiree. By the year 2000, with people living longer and the birthrate going down, it got down to three people having to pay increased taxes when it is just the three people paying in to accommodate every retiree. Of course, all this time we are increasing our benefits for retirees. By 2025, the estimate is that there is only going to be two people working for every one retiree. Talking to the National Association of Manufacturers and some of the business groups, I have suggested that if they do not help in explaining the problems of Social Security, then we could be facing the kind of situation of being forced to pay higher and higher payroll taxes that would put our businesses at a competitive disadvantage.

Take a guess what the payroll tax equivalent is in France. It is over 50 percent. Over 50 percent of their payroll in France goes to accommodate

their senior programs. Germany just went over 40 percent. No wonder that they are complaining about their competitive disadvantage in terms of trying to compete with the rest of the world. It is so important that we move ahead trying to solve this problem now of insolvency rather than just simply looking the other way and putting it off because it does two things. It puts an extra burden on our kids and our grandkids and future generations. Secondly, it is going to be much more difficult to solve the longer we put off the solution. That is because of the little blip where we have surpluses coming in now and pretty soon we are going to have to reach into other funds to accommodate our promises on benefits.

Economic growth will not fix Social Security. I have heard some people say, actually from the other side of the aisle, look, if we can get a President that creates a strong economy. First of all, a President or this Congress does not create a strong economy. It is our system that we have in this country. It is a wonderful system that we devised back in our Constitution when we structured it so as to encourage hard work and effort.

□ 2320

So we have a Constitution and system in America that those that work hard, that save, that try and invest, that go to school and use that education, end up better off than those that do not.

Now we are sort of floundering a little bit in an ambition of some to divide the wealth, taking from the people that have made it and giving to the people that have not made it. So if a young couple decides, look, we are going to work double shifts so I can have more money and do better for my family, we not only tax them more, but we tax them at a higher rate.

So we have got to be very careful that we do not discourage the kind of policies that have made this country grow better and faster and stronger with a higher standard of living than any other country in the world by continuing to say if you are successful, we are just going to really hit you with larger taxes.

When the economy grows, workers pay more in taxes, but also will earn more in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill later.

The administration uses some of these figures, and I have met with both President Clinton, who tried to move ahead with Social Security reform, and President Bush, who has tried to move ahead with Social Security reform.

But here is my guess: Whether it is Mr. KERRY or Mr. Bush, I think that it is very important that we move ahead with Social Security reform next year. The first year in a 4-year cycle for the President is the only real opportunity for a President to push for the kind of agreement between Democrats and Republicans that is going to be able to solve the Social Security problem. If there is not bipartisan support for some way to solve the problem, then we are going to be faced with a future of reducing benefits.

Some people have suggested if government would keep their hands off the surplus and not spend it for other government programs, keep their hands off the money in the trust fund, that Social Security would be okay. I have this bar chart to show you the difference between what is needed and how much is in the trust fund.

The trust fund, or the IOUs, where there is no money there, is $1.4 trillion. The unfunded liability, in other words, what is needed to go into a savings account that will earn interest at the rate of inflation, is $12 trillion. So what is in the trust fund is not nearly enough to accommodate a solution for the problem. We have got to pay it back, and we will; but will we borrow money, or increase taxes to come up with that $1.4 trillion to pay back?

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $12 trillion. The Social Security trust fund contains nothing but IOUs, and to keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. A dire prediction, a real problem for seniors 20 years from now and for our kids and our grandkids that are going to have to put up with our overspending and our overpromising.

The real return to Social Security, this chart is supposed to show that Social Security is not a good investment. The real return on Social Security is less than 2 percent for most workers, and shows a negative return for some, compared to the 7 percent that the market has shown us over the last 100 years.

The first chart is minorities. If you are a black male, your average age of death is 62 and you end up with negative return on the money that goes into Social Security. It is interesting that back in 1934, in fact from 1934 up until the start of World War II, the average age of death in America was 62 years old. But benefits, even when we started, you could not draw Social Security benefits until you were 65. So if you die on average at 62, the program worked very well, because most people never collected any benefits.

The average return, again, is 1.7 percent. The tall blue graph on the right shows what the Wilshire 5000 index earned, and that was 11.86 percent after inflation, and that was for the last 10 years, including the last three down years.

This is how long you have got to live after you retire if you are going to break even on Social Security benefits. If you retire in 2005, you are going to have to live 23 years after you retire to break even on Social Security. As you see, in the earlier years, if you happen to retire in 1980, you only have to live 4 years after you retire. That is because you paid much less in in relation to what you are going to take out as we have reduced benefits and increased taxes.

This is the increased taxes. So every time we have gotten into problems we have said, well, let us increase the taxes on workers. In 1940, we raised it from 1 percent to 2 percent of the first $3,000. In 1960 we raised it to 6 percent of the first $4,800. In 1980, we raised it to 10.16 percent of the first $26,000. In 2000, we raised it to 12.4 percent of the first $76,200. In 2004, the rate did not go up, 12.4 percent for Social Security, but the base was increased to $87,900. $89,000 is now the base that we tax the 12.4 percent on for Social Security.

Madam Speaker, 78 percent of working families now pay more in payroll taxes than income taxes.

These are the six principles that I sent to the House and Senate Members suggesting maybe at least we can agree on some of the principles.

One, protect current and future beneficiaries.

Two, allow freedom of choice on whether you want to stay in the existing program or whether you want to go into a program where you would have some of the money dedicated to your own account that you own.

Preserve the safety net. In other words, I do not use all of the trust fund to make the transition into a program that starts putting money in these personal savings accounts.

Make Americans better off, not worse off.

Next I say investing, allowing some of the investment to go into mutual funds, index funds. That is the seed corn for our business and industry to do the research, to make the kind of improvements to increase their efficiency and competitive position within the world trade we are now facing.

Create a fully funded system.

And no tax increases.

Just briefly, I am going to finish up by going through the Social Security bill that I just introduced, and that is a bill that is sponsored by both Republicans and some Democrats. It is scored by the Social Security Administration to keep the program solvent. There is no increases in the retirement age, no changes in the COLA, the cost of living index, depending on inflation, where we increase benefits every year, and that there is no change in the benefits for seniors or near-term seniors. Solvency is achieved through higher returns from worker accounts and slowing the increase in benefits for the higher-income retirees.

The Social Security trust fund continues. Voluntary accounts would start at 2.5 percent of income and would reach 8 percent of income by 2075. So it is a gradual transition into a personal savings account, and it is important we do it gradually.

The other option we are looking at is you could issue bonds and make the

transition to start at a higher rate, such as 5 percent of your income would go into your personal retirement account quicker, but that means in effect borrowing more money to accommodate the transition costs.

Investments would be safe, widely diversified, and investment providers would be subject to government oversight. And the government would supplement the accounts of workers earning less than $35,000 to ensure that they build up significant savings.

This was an idea that President Clinton had that said for the lower incomes, so that low income workers can retire more like millionaires, we need to add a little money, I think President Clinton called it a ''golden savings account.'' But what I do in my legislation is say we are going to assume that everybody can at least have the 2.5 percent to start with, and then it goes up, of $35,000, that goes in their personal retirement savings account to accumulate and to have the magic of compound interest.

□ 2330

And that is what it is all about.

Just as a footnote, Madam Speaker, I am still going to suggest to not depend on some kind of a magic solution. Every person under 50 years old; in fact, every person, should make a very strong, dedicated effort to start putting money aside for your retirement. Start figuring out what you are going to need. If you are going to end up living 40 years after you retire, how much money are you going to have to start putting aside. And the magic of compound interest and those figures, which maybe deserve a whole hour of briefing on encouraging savings, but let me just say that it is so important for everyone, for everybody from the age of 16 to the age of 60, to start setting aside as much as you can now and let the magic of compound interest help with the retirement benefits.

In conclusion, accounts are voluntary, and participants would receive benefits directly from the government along with their accounts. Government benefits would be offset based on the money deposited into their accounts, not on the money earned, and workers could expect to earn more from their account than from traditional Social Security. In fact, what we do in our bill is we guarantee an individual worker that decides that they want to go into the personally-owned account system, and that is optional, that they will get at least as much as they would from the fixed Social Security system that exists today. So we can guarantee that, since they only earn 1.7 percent on Social Security.

If anybody would like to review my charts, then they are on my website. If you go to one of the search engines and you type in ''Congressman NICK SMITH,'' you can get to my website. You can get to these charts that display my particular proposal for solving Social Security and, again, this proposal has been scored by the Social Security Administration to keep Social Security solvent. I have gone to the White House. The White House feels very strongly that it is important next year to start working aggressively to get some kind of a compromise between the Democrats and the Republicans in the House and in the Senate to move ahead with a solution for Social Security that is going to make sure that we keep this program solvent for the long run.

OMISSION FROM THE CONGRESSIONAL RECORD OF MONDAY, JULY 12, 2004, AT PAGE H5494

The CHAIRMAN: All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 4755 is as follows:

H.R. 4755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,044,281,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $18,678,000, including: Office of the Speaker, $2,708,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,027,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,840,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,741,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,303,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $470,000; Republican Steering Committee, $881,000; Republican Conference, $1,500,000; Democratic Steering and Policy Committee, $1,589,000; Democratic Caucus, $792,000; nine minority employees, $1,409,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $419,000; and Cloakroom Personnel—minority, $419,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $521,195,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $114,299,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $24,926,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $160,133,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $20,534,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $5,879,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,034,000, of which $7,500,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,986,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $1,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $155,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,673,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,346,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,721,000; for salaries and expenses of the Office of Interparliamentary Affairs, $687,000; and for other authorized employees, $156,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $205,050,000, including: supplies, materials, administrative costs and Federal tort claims, $4,350,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $199,600,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $690,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2005. Any amount remaining after all payments are made under such allowances for fiscal year 2005 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made,

for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. NET EXPENSES OF TELECOMMUNICATIONS REVOLVING FUND. (a) There is hereby established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the Net Expenses of Telecommunications Revolving Fund (hereafter in this section referred to as the ''Revolving Fund''), consisting of funds deposited by the Chief Administrative Officer of the House of Representatives from amounts provided by legislative branch offices to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment located in such offices.

(b) Amounts in the Revolving Fund shall be used by the Chief Administrative Officer without fiscal year limitation to purchase, lease, obtain, and maintain the data and voice telecommunications services and equipment of legislative branch offices.

(c) The Revolving Fund shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a)).

(d) Section 306 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 117f) is amended—

(1) by striking subsection (b) and redesignating subsection (c) as subsection (b); and

(2) in subsection (b) (as so redesignated), by striking ''subsections (a) and (b)'' and inserting ''subsection (a)''.

(e) Section 102 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 112g) is amended by adding at the end the following new subsection:

''(e) This section shall not apply with respect to any telecommunications equipment which is subject to coverage under section 103 of the Legislative Branch Appropriations Act, 2005 (relating to the Net Expenses of Telecommunications Revolving Fund).''.

(f) This section and the amendments made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year, except that for purposes of making deposits into the Revolving Fund under subsection (a), the Chief Administrative Officer may deposit amounts provided by legislative branch offices during fiscal year 2004 or any succeeding fiscal year.

SEC. 103. CONTRACT FOR EXERCISE FACILITY. (a) IN GENERAL.—The Chief Administrative Officer of the House of Representatives shall enter into a contract on a competitive basis with a private entity for the management, operation, and maintenance of the exercise facility established for the use of employees of the House of Representatives which is constructed with funds made available under this Act.

(b) USE OF FEES TO SUPPORT CONTRACT.—Any amounts paid as fees for the use of the exercise facility described in subsection (a) shall be used to cover costs incurred by the Chief Administrative Officer under the contract entered into under this section or to otherwise support the management, operation, and maintenance of the facility, and shall remain available until expended.

SEC. 104. SENSE OF THE HOUSE. It is the sense of the House of Representatives that Members of the House who use vehicles in traveling for official and representational purposes, including Members who lease vehicles for which the lease payments are made using funds provided under the Members' Representational Allowance, are encouraged to use hybrid electric and alternatively fueled vehicles whenever possible, as the use of these vehicles will help to move our Nation toward the use of a hydrogen fuel cell vehicle and reduce our dependence on oil.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,139,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $8,433,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $3,844,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $203,440,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $28,888,000, of which $700,000 shall remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. RELEASE OF SECURITY INFORMATION. (a) AUTHORITY OF BOARD TO DETERMINE CONDITIONS FOR RELEASE.—Notwithstanding any other provision of law, any information in the possession of the United States Capitol Police (whether developed by the Capitol Police or obtained by the Capitol Police from another source) that relates to actions taken by the Capitol Police in response to an emergency situation, or to any other counterterrorism and security preparedness measures taken by the Capitol Police, may be released by the Capitol Police to another entity only if the Capitol Police Board determines, in consultation with other appropriate law enforcement officials and experts in security preparedness, that the release of the information will not jeopardize the physical security and safety of the facilities and properties under the jurisdiction of the Capitol Police.

(b) RULE OF CONSTRUCTION REGARDING REQUESTS FOR INFORMATION FROM CONGRESS.—Nothing in this section may be construed to affect the ability of the House of Representatives and the Senate (including any Member, officer, or committee thereof) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the House of Representatives and Senate.

(c) REGULATIONS.—The Capitol Police Board shall promulgate regulations to carry out this section, with the approval of the Committees on Appropriations of the House of Representatives and Senate.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1003. SOLE AND EXCLUSIVE AUTHORITY OF BOARD AND CHIEF TO DETERMINE RATES OF PAY. (a) IN GENERAL.—The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) NO REVIEW OR APPEAL PERMITTED.—The determination of a rate or amount described in subsection (a) may not be subject to review or appeal in any manner.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a);

(2) any rate or amount described in subsection (a) which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1004. (a) AUTHORITY TO SETTLE CLAIMS UNDER FEDERAL TORT CLAIMS ACT.—For purposes of section 2672 of title 28, United States Code (relating to the administrative adjustment of claims), the United States Capitol Police shall be considered a Federal agency and the Capitol Police Board shall be considered the head of the agency.

(b) RULES OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to affect any authority relating to the payment of claims under title 31, United States Code; or

(2) to affect the payment of any award or settlement under the Congressional Accountability Act of 1995.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1005. DEPLOYMENT OUTSIDE OF JURISDICTION. (a) REQUIREMENTS FOR PRIOR NOTICE AND APPROVAL.—The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) EXCEPTION FOR CERTAIN SERVICES.—Subsection (a) does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 1006. LEGAL COMPLIANCE SYSTEM. The Capitol Police General Counsel, in conjunction with the Capitol Police Employment Counsel for employment and labor law matters, shall be responsible for implementing and maintaining an effective legal compliance system with all applicable laws, under the oversight of the Capitol Police Board.

SEC. 1007. (a) IN GENERAL.—None of the funds made available for the Capitol Police for any fiscal year in any Act may be used for a mounted horse unit.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to the fiscal year in which such date occurs and each succeeding fiscal year.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,421,000, of which $305,000 shall remain available until September 30, 2006: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

ADMINISTRATIVE PROVISION

SEC. 1101. (a) The Executive Director of the Office of Compliance may, in order to recruit or retain qualified personnel, establish and maintain hereafter a program under which the Office may agree to repay (by direct payments on behalf of the employee) all or a portion of any student loan previously taken out by such employee.

(b) The Executive Director may, by regulation, make applicable such provisions of section 5379 of title 5, United States Code, as the Executive Director determines necessary to provide for such program.

(c) The regulations shall provide the amount paid by the Office may not exceed—

(1) $6,000 for any employee in any calendar year; or

(2) a total of $40,000 in the case of any employee.

(d) The Office may not reimburse an employee for any repayments made by such employee prior to the Office entering into an agreement under this section with such employee.

(e) Any amount repaid by, or recovered from, an individual under this section and its implementing regulations shall be credited to the appropriation account available for salaries and expenses of the Office at the time of repayment or recovery.

(f) This section shall apply to fiscal year 2005 and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $34,790,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended on the certification of the Architect of the Capitol; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $79,581,000, of which $1,500,000 shall remain available until September 30, 2009.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $18,185,000, of which $4,000,000 shall remain available until September 30, 2009.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,033,000, of which $527,000 shall remain available until September 30, 2009.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,130,000, of which $27,103,000 shall remain available until September 30, 2009.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $56,139,000, of which $630,000 shall remain available until September 30, 2009: *Provided*, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $34,783,000, of which $18,110,000 shall remain available until September 30, 2009.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $4,883,000.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $5,932,000: *Provided*, That this appropriation shall not be available for construction of the National Garden.

MANAGEMENT AND OPERATION OF CAPITOL POWER PLANT

SEC. 1201. (a) CONTRACT WITH PRIVATE ENTITY FOR MANAGEMENT AND OPERATION OF THE CAPITOL POWER PLANT.—

(1) IN GENERAL.—Not later than 1 year after the Committees on Appropriations of the House of Representatives and Senate notify the Architect of the Capitol that the Committees approve the implementation plan submitted under subsection (b), the Architect shall enter into a contract with a private entity for the management and operation of the Capitol Power Plant.

(2) REQUIREMENTS FOR CONTRACT.—The contract entered into under this subsection—

(A) shall be awarded on a competitive basis;

(B) shall include such terms and conditions as the Architect of the Capitol deems necessary to ensure that the Capitol Power Plant will continue to provide lighting, heating, power, and air conditioning services to the United States Capitol, Senate and House office buildings, the Supreme Court Building, and the other facilities served by the Plant;

(C) shall be carried out in a manner consistent with the implementation plan submitted under subsection (b), as approved by the Committees on Appropriations of the House of Representatives and Senate; and

(D) if the contract is a multiyear contract, shall meet the requirements described in paragraph (3).

(3) SPECIAL RULES FOR MULTIYEAR CONTRACT.—The Architect may enter into a contract under this subsection which is a multiyear contract subject to the following conditions:

(A) The Architect determines that—

(i) the need for the services provided will continue over the period of the contract;

(ii) the use of a multiyear contract will yield substantial cost savings; and

(iii) the use of a multiyear contract will not eliminate the ability of small businesses to compete for and enter into the contract.

(B) For the first fiscal year for which the contract will be in effect, there are sufficient funds available for payments of the costs of the contract during the year, including any termination and cancellation costs. Amounts available for paying termination and cancellation costs shall remain available until the costs associated with the termination and cancellation of the contract are paid.

(C) The period covered by the contract is not longer than 10 years.

(b) IMPLEMENTATION PLAN.—

(1) SUBMISSION TO COMMITTEES.—Not later than 270 days after the date of the enactment of this Act or 270 days after the date of the completion of the West Refrigeration Plant (whichever occurs later), the Architect of the Capitol shall submit to the Committees on Appropriations of the House of Representatives and Senate an implementation plan for carrying out the requirements of this section.

(2) CONTENTS OF PLAN.—The implementation plan shall include the following elements:

(A) A description of the steps the Architect shall take to minimize the cost and ensure the effectiveness of the operation of the Capitol Power Plant.

(B) A description of how the Architect will administer the competition for the contract entered into under subsection (a) for the management and operation of the Capitol Power Plant, including the key logistic milestones that will affect the competition.

(C) A description of the budgetary impact of the contract and the proposed schedule of the appropriations that will be required to cover the costs of the contract.

(D) The actions to be taken by the Architect to ensure effective performance of the contractor, including a description of the management systems the Architect will use to monitor and oversee the contractor's efforts, the anticipated performance standards that the contractor will be measured against (including the levels of plant capacity, efficiency of fuel and deliveries of steam and chilled water, and emission levels) and such other standards that in the Architect's judgment are needed to ensure the efficient operation of the Plant.

(E) The steps to be taken to ensure system operations and reliability by maintaining adequate levels of facility maintenance and staffing.

(F) The specifications of security measures to be taken to ensure the safety and protection of the Plant, including its utility distribution systems, and the steps that will be taken to coordinate these efforts with the United States Capitol Police.

(G) The steps to be taken to continue the multi-use fuel capability of the Plant.

(H) A description of a plan to manage the transition to the contractor for the management and operation of the facility, including steps to be taken to mitigate the effect of the contract on the Plant's existing employees.

(I) An analysis of the cost and feasibility of incorporating a combined steam and electrical power generation system for the Plant.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Architect of the Capitol to procure any services under any other authority.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $373,225,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $12,481,000 shall remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $250,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $11,026,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the total amount appropriated, $2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $53,518,000, of which not more than $26,981,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,477,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $96,385,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $60,187,000, of which $22,210,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $106,985,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''LIBRARY OF CONGRESS'' under the subheading ''SALARIES AND EXPENSES'' to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The first proviso under the heading ''LIBRARY OF CONGRESS—SALARIES AND EXPENSES'' in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001, as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554; 114 Stat. 2763A–194), as amended by section 1303 of the Legislative Branch Appropriations Act, 2003, is amended—

(1) by striking ''other than money'' and inserting ''other than money and pledges''; and

(2) by striking ''March 31, 2005'' and inserting ''March 31, 2010''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,800,000: *Provided,* That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further,* That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $32,524,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2003 and 2004 to depository and other designated libraries: *Provided further,* That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES'' together may not be available for the full-time equivalent employment of more than 2,889 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further,* That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established under the Benjamin Franklin Tercentenary Commission Act (Public Law 107–202).

ADMINISTRATIVE PROVISION

SEC. 1401. DISCOUNT AUTHORITY OF SUPERINTENDENT OF DOCUMENTS. Section 1708 of title 44, United States Code, is amended by striking ''of not to exceed 25 percent may be allowed to book dealers and quantity purchasers'' and inserting ''may be allowed as determined by the Superintendent of Documents''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $473,500,000: *Provided,* That not more than $5,000,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: *Provided further,* That not more than $2,500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $6,750,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided,* That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay

awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. TRANSFER OF FUNDS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. ETRAVEL SERVICE. Notwithstanding any other provision of law, no entity within the legislative branch shall be required to use the eTravel Service established by the Administrator of General Services for official travel by officers or employees of the entity during fiscal year 2005 or any succeeding fiscal year.

SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAYMENTS. (a) AUTHORITY TO OFFER PAYMENTS.—Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) AMOUNT AND ADMINISTRATION OF PAYMENTS.—A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed $25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) PLAN.—

(1) PLAN REQUIRED FOR MAKING PAYMENTS.—No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable Committee described in paragraph (3), and each applicable Committee approves the plan.

(2) CONTENTS OF PLAN.—A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.

(D) The number and amounts of voluntary separation incentive payments to be offered.

(E) A description of how the office will operate without the eliminated positions and functions.

(3) APPLICABLE COMMITTEE.—For purposes of this subsection, the ''applicable Committee'' with respect to an office means—

(A) in the case of an office of the House of Representatives, the Committee on House Administration of the House of Representatives; and

(B) in the case of any other office, the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(d) EXCLUSION OF CERTAIN OFFICES.—This section shall not apply—

(1) to any office of the Senate or to any employee of such an office; or

(2) to any office which is an Executive agency under section 105 of title 5, United States Code, or any employee of such an office.

(e) ELIGIBLE EMPLOYEE DEFINED.—

(1) IN GENERAL.—In this section, an ''eligible employee'' is an employee (as defined in section 2105, United States Code) or a Congressional employee (as defined in section 2107, United States Code) who—

(A) is serving under an appointment without time limitation; and

(B) has been currently employed for a continuous period of at least 3 years.

(2) EXCLUSIONS.—An ''eligible employee'' does not include any of the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer employment with another organization.

(F) Any employee who—

(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5, United States Code, or any other authority;

(ii) during the 24-month period preceding the date of separation of that employee, performed service for which a recruitment or relocation bonus was or is to be paid under section 5753 of such title or any other authority; or

(iii) during the 12-month period preceding the date of separation of that employee, performed service for which a retention bonus was or is to be paid under section 5754 of such title or any other authority.

(f) REPAYMENT FOR INDIVIDUALS RETURNING TO GOVERNMENT EMPLOYMENT.—

(1) IN GENERAL.—Subject to paragraph (2), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the office that paid the incentive payment.

(2) WAIVER FOR INDIVIDUALS POSSESSING UNIQUE ABILITIES.—(A) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment required under this subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) TREATMENT OF PERSONAL SERVICES CONTRACTS.—For purposes of paragraph (1) (but not paragraph (2)), the term ''employment'' includes employment under a personal services contract with the United States.

(g) EFFECTIVE DATE.—This section shall take effect July 1, 2005, and shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 211. COMPENSATION LIMITATION. None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2005 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.

SEC. 212. CAPITOL GROUNDS ENCLOSURE. None of the funds contained in this Act may be used to study, design, plan, or otherwise further the construction or consideration of a fence to enclose the perimeter of the grounds of the United States Capitol.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2005''.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108–590. 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 read, 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.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business.

Mr. SAXTON (at the request of Mr. DELAY) for today on account of meetings with Federal disaster officials with respect to the flood in his 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. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. PEARCE) to revise and extend their remarks and include extraneous material:)

Mr. CHOCOLA, for 5 minutes, today.

Mr. AKIN, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KIND, for 5 minutes, today.

ADJOURNMENT

Mr. SMITH of Michigan. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 14, 2004, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9024. A letter from the Acting Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

9025. A letter from the Director, United States Holocaust Memorial Museum, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Museum's report on competitive sourcing efforts; to the Committee on Government Reform.

9026. A letter from the Under Secretary for Oceans and Atmosphere, Department of Commerce, transmitting information regarding the activities of the Northwest Atlantic Fisheries Organization for 2003, pursuant to 16 U.S.C. 5601 et seq.; to the Committee on Resources.

9027. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Country of Origin Codes and Revision of Regulations on Hull Identification Numbers [USCG-2003-14272] (RIN: 1625-AA53) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9028. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizational, and Conforming Amendments [USCG-2004-18057] (RIN: 1625-ZA02) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9029. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Area; Madeline Island, WI [CGD09-03-284] (RIN: 2115-AA01) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9030. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, San Francisco, CA and Oakland CA [COTP San Francisco Bay 03-009] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9031. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Seafair Blue Angels Air Show Performance, Lake Washington, WA [CGD13-04-002] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9032. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Professional Golfer's Association Championship Tour, Sheboygan, WI; Lake Michigan [CGD09-04-001] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9033. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety And Security Zones; New York Marine Inspection Zone and Captain of the Port Zone [CGD01-03-020] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9034. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Outer Continental Shelf Facility in the Gulf of Mexico for Green Canyon 608 [CGD08-04-004] (RIN: 1625-AA84) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9035. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; San Francisco Bay, Oakland Estuary, Alameda, CA [COTP San Francisco Bay 03-026] (RIN: 1625-AA00) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9036. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chincoteague Channel, VA [CGD05-04-118] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9037. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Turner Cut, Stockton, CA. [CGD 11-04-005] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9038. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY. [CGD01-04-047] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9039. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-04-048] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9040. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, NY. [CGD01-04-033] received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9041. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY. [CGD01-04-019] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9042. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Harlem River, NY. [CGD01-04-021] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9043. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Chelsea River, MA. [CGD01-04-027] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9044. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mianus River, CT. [CGD01-00-228] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9045. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Palm Beach County Bridges, Atlantic Intracoastal Waterway, Palm Beach County, Florida [CGD07-04-010] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9046. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Mystic River, CT. [CGD01-03-115] (RIN: 1625-AA09) received July 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9047. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Holdrege, NE [Docket No. FAA-2004-17425; Airspace Docket No. 04-ACE-25] received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9048. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BURKHART GROB LUFT — UND RAUMFAHRT GmbH & CO KG Models G103 TWIN ASTIR, G103A TWIN II ACRO, and G103C TWIN III ACRO Sailplanes [Docket No. 2003-CE-35-AD; Amendment 39-13676; AD 2003-19-14 R1] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9049. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-76-AD; Amendment 39-13677; AD 2004-12-16] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9050. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2003-NM-63-AD; Amendment 39-13680; AD 2004-12-19] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9051. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. FAA-2003-16646; Directorate Docket No. 2003-NM-177-AD; Amendment 39-13678; AD 2004-12-17] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9052. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-96-AD; Amendment 39-13679; AD 2004-12-18] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9053. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dowty Aerospace Propellers Type R321/4-82-F/8, R324/4-82-F/9, R333/4-82-F/12, and R334/4-82-F/13 Propeller Assemblies [Docket No. 2001-NE-50-AD; Amendment 39-13681; AD 2004-13-01] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9054. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce (1971) Limited, Bristol Engine Division Model Viper Mk.601-22 Turbojet Engine [Docket No. FAA-2004-18024; Directorate Identifier 2003-NE-39-AD; Amendment 39-13684; AD 2004-13-03] (RIN: 2120-AA64) received July 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9055. A letter from the Chairman and Vice Chairman, U.S.-China Commission, transmitting the Commission's second annual report, pursuant to Pub. L. 106-398, as amended by Division P of Pub. L. 108-7; jointly to the Committees on International Relations and Ways and Means.

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. THOMAS: Committee on Ways and Means. H.R. 4418. A bill to authorize appropriations for fiscal years 2005 and 2006 for the Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes: with an amendment (Rept. 108–598, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. KOLBE: Committee on Appropriations. H.R. 4818. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108–599). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3632. A bill to prevent and punish counterfeiting of copyrighted copies and phonorecords, and for other purposes; with an amendment (Rept. 108–600). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. S. 2363. An act to revise and extend the Boys and Girls Clubs of America (Rept. 108–601). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 712. Resolution providing for consideration of the bill (H.R. 4759) to implement the United States-Australia Free Trade Agreement (Rept. 108–602). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on the Judiciary discharged from further consideration. H.R. 4418 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 4418. Referral to the Committee on the Judiciary extended for a period ending not later than July 13, 2004.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JOHN:

H.R. 4819. A bill to provide funding for the operations and maintenance by the Corps of Engineers of essential waterways; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, 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. DOGGETT (for himself, Mr. PLATTS, Mr. WAXMAN, Mr. MEEHAN, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. BECERRA, Mrs. JONES of Ohio, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BELL, Mr. BERMAN, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CONYERS, Mr. CROWLEY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. EMANUEL, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LAMPSON, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LIPINSKI, Ms. LOFGREN, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY, Mr. MATHESON, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. NADLER, Mrs. NAPOLITANO, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. RODRIGUEZ, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SNYDER, Ms. SOLIS, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. VELAZQUEZ, Mr. VISCLOSKY, Ms. WATERS, Ms. WATSON, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Ways and Means, 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. GORDON:

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to allow certain agricultural employers a credit against income tax for a portion of wages paid to nonimmigrant H-2A workers; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. NORWOOD, and Mr. CRANE):

H.R. 4822. A bill to amend title XVIII of the Social Security Act to clarify the right of Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and 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:

H.R. 4823. A bill to amend the Immigration and Nationality Act to permit foreign media representatives to gain admission as visitors coming temporarily to the United States for business; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Ms. MCCARTHY of Missouri, Mr. GRIJALVA, Mr. CASE, Mr. OWENS, Ms. LEE, Mr. TIERNEY, Ms. JACKSON-LEE of Texas, and Mr. GONZALEZ):

H.R. 4824. A bill to direct the Secretary of Homeland Security to issue regulations concerning the shipping of extremely hazardous materials; to the Committee on Transportation and Infrastructure.

By Mr. OWENS:

H.R. 4825. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on taxable income attributable to contracts with the United States for goods and services for the war in Iraq; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. UDALL of New Mexico, and Mr. TANNER):

H.R. 4826. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Resources.

By Mr. WALDEN of Oregon (for himself and Mr. POMBO):

H.R. 4827. A bill to amend the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000 to rename the Colorado Canyons National Conservation Area as the McInnis Canyons National Conservation Area; to the Committee on Resources.

By Ms. WATSON (for herself and Mr. BURTON of Indiana):

H.R. 4828. A bill to direct the Consumer Product Safety Commission to issue a rule banning children's toys containing mercury; to the Committee on Energy and Commerce.

By Mr. PENCE (for himself, Ms. BERKLEY, and Ms. ROS-LEHTINEN):

H. Res. 713. A resolution deploring the misuse of the International Court of Justice by a majority of the United Nations General Assembly for a narrow political purpose, the willingness of the International Court of Justice to acquiesce in an effort likely to undermine its reputation and interfere with a resolution of the Palestinian-Israeli conflict, and for other purposes; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Ms. JACKSON-LEE of Texas, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HOLT, Mr. PETERSON of Minnesota, Mrs. JONES of Ohio, Mr. GRIJALVA, Mr. WEXLER, Mr. VAN HOLLEN, Mr. CROWLEY, Mr. OWENS, Mr. FROST, Mr. MENENDEZ, Mr. HINOJOSA, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. MCDERMOTT, Mr. FARR, Mrs. DAVIS of California, Mr. WU, Mr. NADLER, Mrs. MALONEY, and Mr. RYAN of Ohio):

H. Res. 714. A resolution honoring Sandra Feldman on the occasion of her retirement from the presidency of the American Federation of Teachers for her tireless efforts to improve the quality of teaching and learning; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

385. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resoultion No. 04-1006 supporting the efforts of The Stand in the Gap Project, Inc; to the Committee on Armed Services.

386. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1064 memorializing the President and Congress of the United States to take action to ensure that federal programs providing financial assistance for the educational needs of children of migrant workers include children of migrant workers in all sectors of our economy; to the Committee on Education and the Workforce.

387. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 04-1085 memorializing the Congress of the United States to improve the rules to implement privacy of health information under the federal ''Health Insurance Portability and Accountability Act of 1996''; to the Committee on Energy and Commerce.

388. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2011 memorializing the Congress of the United States to authorize a land trade within accident potential zones of Luke Air Force Base and outside the boudnaries of Yuma Army Proving Ground; to the Committee on Resources.

389. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Memorial 1003 memorializing the Congress of the United States propose to the people an amendment to the Constitution of the United States that provides certain rights to crime victims; to the Committee on the Judiciary.

390. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resoultion No. 04-1022 memorializing the United States Congress to pass the ''English Language Unity Act of 2003'' (H.R. 997), which would establish English as the official language of the United States; jointly to the Committees on Education and the Workforce and the Judiciary.

391. Also, a memorial of the General Assembly of the State of Delaware, relative to House Substitute No. 1 for House Concurrent Resoultion No. 46 memorializing the President and Congress of the United States to strengthen trade relations with Taiwan by a Free Trade Agreement and to support the participation of Taiwan in the United Nations and the World Health Organization; jointly to the Committees on Ways and Means and International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 58: Mr. GERLACH.
H.R. 784: Mr. TERRY.
H.R. 918: Mr. BISHOP of Georgia, Mr. HYDE, Mr. MOORE, Mr. ISSA, and Mr. WAXMAN.
H.R. 1043: Mr. BOSWELL and Mr. BURR.
H.R. 1057: Mr. SHAW and Mr. GREEN of Wisconsin.
H.R. 1242: Mr. MILLER of North Carolina.
H.R. 2241: Mr. MCDERMOTT.
H.R. 2377: Mr. MILLER of North Carolina.
H.R. 2387: Ms. WATSON.
H.R. 2442: Mr. NEY, Mr. ENGLISH, Mrs. BIGGERT, Mr. LEWIS of Georgia, and Ms. LORETTA SANCHEZ of California.
H.R. 2681: Mr. VAN HOLLEN.
H.R. 2747: Mr. BISHOP of Georgia.
H.R. 2790: Mrs. NAPOLITANO.
H.R. 2868: Mr. MARSHALL.
H.R. 2929: Mr. BRADLEY of New Hampshire.
H.R. 3066: Mr. CAMP.
H.R. 3085: Ms. BORDALLO.
H.R. 3090: Mr. HINCHEY.
H.R. 3178: Mr. MCHUGH.
H.R. 3313: Mr. MANZULLO, Mr. ROGERS of Alabama, and Mr. TOM DAVIS of Virginia.
H.R. 3474: Mr. CARSON of Oklahoma.
H.R. 3480: Ms. WATERS.
H.R. 3634: Mr. KENNEDY of Rhode Island and Mr. PRICE of North Carolina.
H.R. 3662: Mr. FILNER.
H.R. 3756: Ms. ESHOO, Mrs. LOWEY, Mr. NEAL of Massachusetts, Mr. VAN HOLLEN, and Mr. THOMPSON of Mississippi.
H.R. 3780: Ms. BORDALLO.
H.R. 3799: Mr. GOODE and Mr. BROWN of South Carolina.
H.R. 3847: Mr. MEEK of Florida.
H.R. 3953: Mr. CALVERT.
H.R. 3965: Mr. GORDON.
H.R. 4026: Mr. GONZALEZ.
H.R. 4036: Mr. RANGEL.
H.R. 4057: Mr. SCOTT of Georgia and Mr. PRICE of North Carolina.
H.R. 4110: Mr. BISHOP of Georgia and Mr. SAXTON.
H.R. 4116: Mr. PRICE of North Carolina, Mr. CUMMINGS, Mr. MEEHAN, Mr. GONZALEZ, Mr. LAHOOD, Mr. LINDER, Mr. YOUNG of Alaska, Mr. NUNES, Mr. LUCAS of Kentucky, Mr. GRAVES, Mrs. KELLY, Mr. GINGREY, Mr. BUYER, Mr. HAYES, Ms. ROS-LEHTINEN, Mr. REHBERG, Mrs. JO ANN DAVIS of Virginia, and Mr. KOLBE.
H.R. 4126: Mrs. MUSGRAVE.
H.R. 4209: Mr. BEAUPREZ.
H.R. 4354: Mr. GREEN of Texas.
H.R. 4356: Ms. ESHOO.
H.R. 4361: Mr. PALLONE, Ms. SCHAKOWSKY, and Mr. GONZALEZ.
H.R. 4391: Mr. FOLEY and Mr. CALVERT.
H.R. 4400: Ms. MCCOLLUM and Mr. PALLONE.
H.R. 4423: Mr. OBERSTAR.
H.R. 4430: Mr. KNOLLENBERG and Mr. BARTLETT of Maryland.
H.R. 4431: Mr. GORDON.
H.R. 4445: Mr. OWENS, Mr. TOWNS, Ms. WATERS, Ms. MILLENDER-MCDONALD, and Mr. MEEKS of New York.
H.R. 4476: Mr. FATTAH, Mr. MCDERMOTT, Ms. LEE, and Mr. HOEFFEL.
H.R. 4530: Mr. WICKER.
H.R. 4555: Mr. FILNER and Mrs. CAPPS.
H.R. 4605: Mr. SMITH of Washington.
H.R. 4621: Mr. RAHALL.
H.R. 4627: Mr. PORTER.
H.R. 4628: Mr. JOHN, Mr. SCHIFF, and Mr. BISHOP of Georgia.
H.R. 4694: Mr. MCDERMOTT.
H.R. 4706: Ms. BORDALLO, Ms. WOOLSEY, and Mr. FILNER.
H.R. 4712: Mr. OTTER, Mr. BARRETT of South Carolina, Mr. WICKER, Mr. MILLER of Florida, and Mr. SAM JOHNSON of Texas.
H.R. 4758: Mr. FROST.
H.R. 4769: Ms. WATSON, Mr. POMEROY, Mr. MENENDEZ, and Mr. HOEFFEL.
H.R. 4772: Mr. LIPINSKI, Mr. COOPER, Ms. DELAURO, Mr. BISHOP of New York, Mr. ENGEL, Mr. MCGOVERN, Mr. RANGEL, Mr. WEINER, Mr. POMEROY, Mr. ACKERMAN, Mr. GREEN of Texas, and Ms. BORDALLO.
H.R. 4797: Mr. CLAY.
H.R. 4806: Mr. PEARCE.
H. Con. Res. 218: Mr. KUCINICH.
H. Con. Res. 298: Mr. OXLEY.
H. Con. Res. 369: Mr. LEWIS of Kentucky.
H. Con. Res. 371: Mr. MCHUGH.
H. Con. Res. 390: Ms. JACKSON-LEE of Texas and Mr. CRANE.
H. Con. Res. 431: Mr. TERRY.
H. Con. Res. 435: Ms. SLAUGHTER and Mr. KILDEE.
H. Con. Res. 467: Mr. OBERSTAR, Mr. COSTELLO, Ms. WOOLSEY, Mr. VAN HOLLEN,

Mr. LANTOS, Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. FALEOMAVAEGA, Mr. PITTS, Mr. BELL, Mr. ABERCROMBIE, Ms. PELOSI, Mr. MCDERMOTT, Mr. PRICE of North Carolina, and Mr. CARDOZA.

H. Con. Res. 469: Mr. SESSIONS, Mr. FROST, and Mr. ISRAEL.

H. Res. 705: Mr. HOUGHTON and Mrs. JOHNSON of Connecticut.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3575: Mr. SNYDER and Mr. ROSS.

H.R. 4634: Mr. GREEN of Texas.

H. J. Res. 37: Mr. HILL.

H. J. Res. 66: Mr. HILL.

PETITIONS, ETC.

Under clause 3 of rule XII,

92. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution petitioning the President, the Department of Energy, and the Congress of the United States to focus on renewable energy development and continue the moratorium on oil and gas leasing off of California; which was referred to the Committee on Resources.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4766

OFFERED BY MR. TANCREDO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following new section:

SEC. ____. None of the funds made available in this Act under the Heading ''Food Stamp Program'' may be expended in contravention of 8 U.S.C. 1183a.

H.R. 4766

OFFERED BY: MR. FLAKE

AMENDMENT NO. 16: Add at the end (before the short title) the following:

SEC. 7____. None of the funds made available by this Act may be used to pay the salaries and expenses of employees of the Department of Agriculture who make payments from any appropriated funds to tobacco quota holders or producers of quota tobacco pursuant to any law enacted after July 1, 2004, terminating tobacco marketing quotas under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 and related price support under sections 106, 106A, and 106B of the Agricultural Act of 1949.

H.R. 4766

OFFERED BY: MR. BACA

AMENDMENT NO. 17: In title I, under the heading ''OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS'', insert after the dollar amount the following: ''(increased by $250,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-RESEARCH AND EDUCATION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Hispanic-serving Institutions, the following: ''(increased by $1,500,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-EXTENSION ACTIVITIES'', insert after the first dollar amount, and after the dollar amount relating to Indian reservation agents, the following: ''(increased by $1,000,000)''.

In title I, under the headings ''COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE-OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS'', insert after the dollar amount the following: ''(increased by $750,000)''.

In title III, under the heading ''RURAL DEVELOPMENT—SALARIES AND EXPENSES'', insert after the dollar amount the following: ''(reduced by $3,500,000)''.

H.R. 4766

OFERED BY: MR. WEINER

AMENDMENT NO. 18: Page 5, line 15, insert ''(decreased by $19,667,000)'' after the dollar amount.

Page 18, line 9, insert ''(increased by $19,667,000)'' after the 1st dollar amount.

H.R. 4818

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

GOVERNMENTS THAT DO NOT PERMIT CERTAIN EXTRADITIONS

SEC. 576. None of the funds made available in this Act may be used to provide assistance to the government of any country that does not permit the extradition to the United States, for trial or sentencing in the United States, of individuals suspected of committing criminal offenses for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 4818

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 2: At the end of the bill (before the short title), insert the following:

GOVERNMENTS THAT DO NOT PERMIT CERTAIN EXTRADITIONS

SEC. 576. None of the funds made available in this Act may be used to provide assistance to the government of any country with which the United States has an extradition treaty and which does not permit the extradition to the United States, for trial or sentencing in the United States, of individuals suspected of committing criminal offenses for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 3. At the end of the bill (before the short title), insert the following:

DESIGNATION OF REPUBLIC OF POLAND AS A PROGRAM COUNTRY UNDER THE VISA WAIVER PROGRAM

SEC. ____. Congress—

(1) recognizes the importance of designating the Republic of Poland as a program country for purposes of the visa waiver program established under section 217 of the Immigration and Nationality Act; and

(2) urges the Secretary of Homeland Security and the Secretary of State to assist Poland in reducing its nonimmigrant visa refusal rate so that Poland may qualify for such designation.

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

PROHIBITION OF PROFITEERING

SEC. _____. (a) PROHIBITION.—(1) Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) as authorized by chapter 211 of this title;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(2) The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq.''.

(b) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1038,'' after ''1032,''.

(c) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1038''.

(d) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting the following: '', section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts in Iraq),'' after ''liquidating agent of financial institution),''.

H.R. 4818

OFFERED BY: MR. EMANUEL

AMENDMENT NO. 5: At the end of the bill (before the short title), insert the following:

PAYMENTS TO STATE AND LOCAL GOVERNMENTS FOR INFRASTRUCTURE AND SOCIAL SERVICES NEEDS

SEC. ____. (a) PAYMENTS TO STATE AND LOCAL GOVERNMENTS.—(1) The Secretary of the Treasury shall, in accordance with the provisions of this section, make payments to States and local governments to coordinate budget-related actions by such governments with Federal Government efforts to stimulate economic recovery.

(2) There is authorized to be appropriated to the Secretary of the Treasury for fiscal year 2005 for payments under this section an amount equal to at least the total amount appropriated for fiscal year 2003 under the heading ''Iraq Relief and Reconstruction Fund'' in the Emergency Wartime Supplemental Appropriations Act, 2003, and any amounts appropriated for such Fund in any

subsequent appropriation Act. Such amounts shall be in addition to, and not in lieu of, other amounts appropriated for payments to States and local governments.

(3) Not less than one-third of the amount appropriated pursuant to the authorization in paragraph (2) shall be made available to local governments under the applicable laws of a given State.

(b) ALLOCATION.—The Secretary of the Treasury shall establish a formula, within 30 days after the date of the enactment of this Act, for determining the allocation of payments under this section. The formula shall give priority weight to the following factors:

(1) The unemployment rate in relation to the national average unemployment rate.

(2) The duration of the unemployment rate above such average.

(3) Median income.

(4) Population.

(5) The poverty rate.

(c) USE OF FUNDS BY STATE AND LOCAL GOVERNMENTS.—(1) Funds received under this section may be used only for priority expenditures. For purposes of this section, the term ''priority expenditures'' means only—

(A) ordinary and necessary maintenance and operating expenses for—

(i) primary, secondary, or higher education, including school building renovation;

(ii) public safety;

(iii) public health, including hospitals and public health laboratories;

(iv) social services for the disadvantaged or aged;

(v) roads, transportation, and water infrastructure; and

(vi) housing; and

(B) ordinary and necessary capital expenditures authorized by law.

(2) The Secretary of the Treasury may accept a certification by the chief executive officer of a State or local government that the State or local government has used the funds received by it under this section only for priority expenditures, unless the Secretary determines that such certification is not sufficiently reliable to enable the Secretary to carry out this section. The Secretary shall prescribe by rule the time and manner in which the certification must be filed.

H.R. 4818

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. ____. None of the funds made available in this Act in title II under the heading ''ECONOMIC SUPPORT FUND'' may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

H.R. 4818

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

REDUCTION OF DISCRETIONARY APPROPRIATIONS

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $193,860,000.