

who lost approximately \$45 million, and then also the State fire departments and the municipalities that spent about \$45 million fighting these fires. And I wanted to ask the gentlewoman if we were still on one accord working on our drought/fire situation as we have discussed with Mr. CRAMER earlier.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. As we talked about in the full committee with both Mr. CRAMER and yourself, Mr. KINGSTON, and Mr. ADERHOLT, I talked about working with you on this issue. I commend you for bringing it to our attention.

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me just say to the gentlelady from Connecticut, thank you so much for your hard work and dedication to moving our Nation forward in the area of agriculture, nutrition, health safety and all of the other issues that you tackle each and every day.

I come today to enter into a colloquy to raise the important issue regarding the lifetime ban on food stamp eligibility for formerly incarcerated persons who were convicted of drug offenses. This is a serious moral issue of concern to me. Quite frankly, this ought to be for each and every Member of Congress.

After they have served their time, Mr. Chairman, the formerly incarcerated reenter society looking to improve themselves and their lives. In these instances, however, the current policy prevents them access to food stamps. This just makes no sense. This absurd policy is the result of an overzealous congressional effort to appear tough on crime in 1996.

□ 1845

Once someone has paid their debt to society they should be able to have the resources that will help them put their lives together. I hope that we can work together to ensure that this inequity is addressed.

Ms. DELAURO. If the gentlewoman would yield, I assure the gentlewoman that we will work together on correcting the inequity.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. JACKSON of Illinois) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House of Representatives to the bill (S. 1) "An Act to provide greater transparency in the legislative process."

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

The Acting CHAIRMAN. Who seeks time?

Ms. DELAURO. Mr. Chairman, how much time is left?

The Acting CHAIRMAN. The gentlewoman from Connecticut has 9 minutes. The gentleman from Georgia has 8 minutes.

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

Mr. HOLT. Mr. Chairman, I commend the subcommittee and its chair for a good bill, and I wish to enter into a colloquy with the gentlewoman from Connecticut regarding funding for Community Food Projects and organic transitions research.

The 2007 farm bill that passed this House on Friday substantially increased the authorized funding for Community Food Projects, but it changed it from mandatory to discretionary. The CFP supports hundreds of innovative projects selected competitively, such as community kitchens, farmers markets, farm-to-school programs, in Connecticut among other States. I'm hoping that we can work toward finding discretionary funds for CFP.

Similarly, while the 2007 farm bill authorized a substantial increase in funding for various organic programs, funding for the organic transitions research program remained flat for the fiscal year. The market for organic food has reached \$15 billion and is growing. Yet farmers need help making the transition from traditional to organic methods of farming, and without that help we will increasingly be dependent on overseas sources for organic products.

I ask the Chair to consider an increased level of funding for these programs.

Mr. Speaker, I rise today to express my support for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill for Fiscal Year 2008, and to commend the Committee and Subcommittee leadership for their efforts on the bill, but also to express my concern about the lack of funding for community food projects and the lack of an increase in funding for the organic transitions research program for Fiscal Year 2008.

The 2007 Farm Bill that passed the House on Friday substantially increased the authorization for Community Food Projects (CFP) funding, from \$5 million to \$30 million annually. However, it also changed the funding from mandatory to discretionary, and funding for CFP was not included in the FY 2008 Agriculture Appropriations bill that is before us today.

Hundreds of civic groups and associations throughout the country, as well as low-income consumers and farmers who produce for local and regional markets, benefit from this program. The program facilitates and builds the

capacity of non-profit, community-based organizations so they can establish projects that meet the food needs of low-income populations; identify and address weakness in urban food systems, such as insufficient retail food stores in densely populated neighborhoods and poor access to healthy and fresh foods for schools; and promote comprehensive responses to food, farm, and nutrition issues by combining the resources of multiple sectors of the food system. From its inception in 1996 through 2007, CFP received mandatory funding under the Food Stamp Program and it has funded more than 240 innovative projects such as certified community kitchens, community supported agricultural operations, farmer's markets, agri-business incubators, farm-to-school programs and other projects.

I regret that the 2007 Farm Bill made CFP funding discretionary, if it remains so in the enacted bill, I hope that the Senate and House conferees will work to ensure that the prevailing level of funding for CFP will be provided in the enacted Fiscal Year 2008 Agriculture Appropriations bill.

In addition, I wish to stress the urgency of increasing funding for organic transitions research in Fiscal Year 2008. While the 2007 Farm bill will substantially increase funding for various organic programs, funding for the organic transitions research program has again remained flat for Fiscal Year 2008. The market for organic food has reached \$15 billion and, according to the Organic Trade Association, growth in sales of organic food has been 15 percent to 21 percent each year since 1998, compared with 2 percent to 4 percent for total food sales. Although there are now 10,000 organic farms in the United States, that is not enough to keep pace with demand. As a result, organic food suppliers must increasingly look for organic produce and other agricultural products from overseas locations.

The Organic Transitions Program is a highly competitive grants program established as part of the Department of Agriculture's Cooperative State Research, Education, and Extension Service. This national program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning their farm operations into organic production. Through grants awarded under the program, for example, a university in the West has been funded to research ecological soil community management for enhanced nutrient cycling; a Northeastern university has been funded to research reducing off-farm grain inputs on northeast organic dairy farms; and another—a university in a Great Plains state—to fund research into the transition to sustainability.

The demand for research on a wide variety of topics related to organic agriculture has been increasing in proportion to the surging growth in the demand for organic agricultural products, and the benefits of this research accrue not simply to organic and other farmers, but to the entire health-conscious population. Notwithstanding this surge in demand, funding for organic research to facilitate the transition into organic farming methods has been holding steady at just under \$2 million for the last few fiscal years, which represents only one-hundredth of one percent of the size of the industry the research is intended to support.

The organic transitions program has been extremely important to the organic farming community in funding research to assist farmers in overcoming the barriers to transitioning

their farm operations into organic production. My amendment to increase funding for this program to \$5 million passed in the House last year, and I hope to see this level of funding included in the enacted Agriculture Appropriations bill for Fiscal Year 2008.

Ms. DELAURO. If the gentleman would yield, these are both very, very worthy efforts, and I look forward to working with the gentleman on these programs.

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

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Chairman, I rise to engage our respected chairwoman of the House Agriculture appropriations subcommittee in a colloquy to raise an issue of importance to a group of struggling workers in the almond industry. At issue is whether a company or cooperative should continue to be funded through the Market Access Program in light of being found guilty of labor violations here at home.

During a recent organizing drive, Blue Diamond Growers, a past recipient of these MAP funds, was found guilty by the National Labor Relations Board of more than 20 labor law violations, including firings. These were serious offenses.

Would the gentlewoman agree with me that the Secretary of Agriculture has the authority to deny serious labor lawbreakers taxpayer funds which are distributed from the Market Access Program?

Ms. DELAURO. If the gentleman would yield, I, too, am concerned about treatment of workers at Blue Diamond Growers. I'm aware that the Secretary of Agriculture has the discretion to deny funding to a coop if it is in the best interest of the program. I further note that USDA regulations require that MAP participants adhere to the laws and customs abroad when they hire foreign workers to market their product. We'll work with you on this critical issue of real importance to our workers.

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

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding, and I rise to oppose this particular bill.

But before I do, I do want to say I think there are a number of good things, a number of good provisions in the bill. As one who has come to the floor on numerous occasions to attempt to champion fiscal responsibility and earmark reform, I do take note that under the chairwoman's leadership, the gentlewoman from Connecticut, that the number of earmarks

are actually reduced in this bill. I consider that progress, and she should be commended for that.

Having said that, Mr. Chairman, I also note that the bill increases spending over last year by 5.9 percent, 5.9 percent. Now the people who are ultimately going to be called to pay for this bill, my guess is their salaries didn't go up 5.9 percent. And I know throughout this debate we always point out all the good things that are in the bill, and occasionally we have to point out this very inconvenient question, and that is, who's going to pay for it all? Who's going to pay for it all?

Right now, the Federal Government is still spending roughly \$23,000 per family. It's one of the largest levels in our Nation's history and the largest since World War II. Although it's down, the deficit is still very high, and Member after Member comes to the floor to decry raiding the Social Security Trust Fund, but we know if we're going to grow the Federal budget, including this bill, way beyond the growth of the family budget, that you continue to raid the Social Security Trust Fund.

Members come to this floor to decry borrowing money from China to pay for the national debt, but, again, if we increase this spending 5.9 percent, it's exactly what this body is going to do.

Now, we've already had a robust debate over the farm bill last week, and I know that many provisions in this bill will help rural America, and as one who represents six rural east Texas counties, I'm glad for that. As somebody who comes from three generations of people who made their living from agriculture, I appreciate the challenges in agriculture.

But I might observe that if we were really, really serious about trying to help all the different people involved in agriculture, maybe what we'd do is end the death tax, something our friends from the other side of the aisle have fought every step of the way. Somebody works their entire life to put together a ranch or a farm, Uncle Sam can come in and take 55 percent. Maybe we would stand up for private property rights and let these people dispose of their livestock as they wish. Maybe we would actually work to open up more markets for all of our food and fiber. But, no, instead, we're going to increase spending 5.9 percent.

That's the wrong approach, Mr. Chairman. We should defeat this bill.

Ms. DELAURO. Mr. Chairman, I yield to Congresswoman KAPTUR for a unanimous consent request.

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Chairman, I rise in support of this excellent bill to support food, fiber, fuel and forest production across this Nation.

Mr. Chairman, I would like to thank the Chairwoman Ms. DELAURO, a longstanding

colleague, for the excellent bill she has assembled. As the former ranking member of the Agriculture Appropriations subcommittee, it has been a pleasure to see my colleague bring together our subcommittee through a form of collegiality unrivaled in this day of partisanship. This year's agriculture appropriations bill has been many years in coming, investing in the critical resources necessary to move agriculture and much of rural America fully into the 21st Century.

Ms. DELAURO has been a true leader and has produced a bill that should make all members of the Subcommittee proud. This bill invests in energy independence, secures our Nation's food supply, provides nutritional assistance for those living on the edge and link production from local small farmers with our urban consumers. The bill helps to grow America's economy through investing in rural America's potential for food, fiber, fuel and forest production.

Along with breakthrough investments in energy that will result from the recent farm bill, this measure moves America forward with a plan to use agriculture to solve our energy crisis. This legislation provides \$350 million for biomass and renewable energy projects and \$500 million to electrify America with wind power. This bill also provides \$46 million for an innovative USDA grant program to help America transition to renewable energy sources, a program that has a long record of investing in the technologies of tomorrow. Agriculture holds the key if we are going to wean our Country from our dangerous dependence on foreign oil. This bill provides important incentive to transition us into the economy of tomorrow.

The Department of Agriculture dedicates almost $\frac{2}{3}$ of its budget to nutrition, yet, there have been scarce few attempts to link local producers with urban consumers. This bill confronts those challenges and directs the Department of Agriculture to connect local farmers with procurement from USDA major nutrition programs. In addition, this bill also provides \$20 million for the senior farmers market nutrition program, an approach so wildly successful with the elderly and with farmers that it regularly has more requests than funds available. For our Nation's farmers markets, this bill also provides \$1,000,000 for the Farmers' Market Promotion Program to establish, expand, and promote farmers' markets to connect local production to the local marketplace.

I am also pleased to rise in support of the \$150 million for the Commodity Supplemental Food Program that this legislation provides. This bill provides enough money to expand CSFP in 5 new states, providing a food supplement for those who cannot make ends meet.

These agriculture nutrition programs bridge the gap between urban and rural, linking consumers with local producers—helping to provide fresh produce, vegetables and commodities to those with little access to nutritious foods.

On food safety, this bill confronts critical challenges to the integrity of our food system. This bill blocks implementation of a rule which

would allow poultry importation from China and provides funds to implement the long awaited process of labeling the country of origin for food in our marketplace. It has taken many years to bring this issue to the forefront. But now it appears that Congress is finally giving consumers the tools for making effective decisions on what they choose to eat.

Before I close, I would like to advise the administration of language which clearly expresses the intent of Congress on the failed policy of Farm Service Agency closures. In both the Agriculture Appropriations bill and in the recently passed Farm Bill, the House of Representatives expressed its discontent with efforts to move forward with these closures. As there seems to be significant confusion on the intent of Congress on Farm Service Agency office closures, I respectfully refer the FSA Administration to two sections in recent legislation passed in the House of Representatives which clearly provide the intent of Congress on this issue.

In H.R. 2419 Section 11306 and Page 56 of the House Appropriations Report from H.R. 3161 clearly express the intent of Congress. As FSA moves forward with office closures in Ohio and across the Country, I strongly urge the administration to recognize the clear intent of the House Appropriations Committee, the House Agriculture Committee and the full House of Representatives.

In sum, this bill takes a major step forward for our Nation in opening new markets for farmers, makes major strides in conservation of our natural resources, attends to the food needs of all of America's needy families and children, moves rural America into renewable energy production, addresses challenges posed by serious environmental invasive species, and expands our food safety efforts. America must dedicate itself to food self sufficiency here at home and displace the rising levels of food imports. This bill invests in our Nation and our producers and consumers. I urge my colleagues to support it.

Ms. DELAURO. Does the gentleman from Georgia have any additional speakers?

Mr. KINGSTON. I do, but they're not here quite yet.

Ms. DELAURO. We have no other speakers.

Mr. KINGSTON. Mr. Chairman, let me yield myself 1 minute, and maybe somebody will percolate and maybe they won't.

I wanted to make a comment. Mr. HENSARLING had noticed that the earmarks were down. I think this is a good thing. I think that our job is going to have to be to make sure the earmarks stay down as this thing goes through the process, but I also think we need to be concerned about what can happen that will add costs to this bill.

It's interesting we just had a bill that had about 50 people vote against it. It was a popular bill that created a number of new programs, and I was thinking that so often on appropriation bill there's always a standard 100 to 150 people who vote "no," and yet here was an authorizing bill, suddenly it's okay to spend money on an authorizing bill because it doesn't count. But on an appropriation bill, those same people who voted "yes" an hour ago will be voting

"no" on the appropriation bill, except for Mr. HENSARLING, who's pretty consistent on everything.

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

Ms. DELAURO. Mr. Chairman, we have no additional speakers on our side except for myself in terms of closing. So, if the gentleman from Georgia would close, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I think I have one more in the wing. So let me again enlighten you with some of my wisdom, if I may yield myself 1 minute.

One of the amendments that we have been working on in this bill is the insistence that those who sell or contract to the Federal Government use Social Security verification. There's a program called the Basic Pilot Program, and we have that amendment in the bill.

I think it's important people realize that the idea is that if you're doing business with the Federal Government you should be in compliance with the law of the land, which is to have legal employees; and what this does is requires those vendors and sales corporations and contractors and subcontractors to show that they are in compliance by having Social Security verification.

I'm excited about this amendment. I think it's very important. President Clinton actually did the same thing February 13, 1996, by executive order; and I am hoping that if there's some problems with this amendment that as this bill moves through the process we may need to tinker with it a little bit but that we can keep the gist of it.

Mr. Chairman, we have no more speakers around, and I yield back my time.

Ms. DELAURO. Mr. Chairman, in closing, I just want to say I think we need to be very excited about this bill. We set out to accomplish several goals, including strengthening rural America, having the opportunity to protect our public health, improving nutrition for more Americans, and we tried to be concerned particularly about rural areas. But we're looking at 40 percent of the children in rural areas who are dependent on food stamps. We look to transforming our energy future to \$1.2 billion in loans and grants, particularly in rural areas, supporting conservation, investing in research, which keeps our agriculture on the cutting edge and, finally, enhancing oversight.

Most importantly, what I believe about this bill is it brings our Nation back to its most fundamental principles and that is the strength of our communities. We have an obligation to keep these things and to get them right, and I'm assuming we will take that responsibility today.

Ms. WOOLSEY. Mr. Chairman, thank you for giving me this opportunity to talk about the importance of purchasing domestically grown and processed foods for school meals.

We all heard the recent reports about toxic products coming from China—everything from

food to toothpaste. The last thing we want is to have any of that making its way into our children's school lunches.

Already, Congress has approved legislation encouraging schools to "Buy American." This not only supports our farm communities, but also puts locally-grown products on our students' lunch trays.

It serves our farmers and producers as much as it serves schoolchildren throughout this country.

I am concerned, however, that the Department of Agriculture has failed to follow directives given to them by Congress.

This serious problem surfaced again recently. Earlier this year, at a convention hosted by the School Nutrition Association, one prominent school food display marketed products that were not only produced overseas but also processed overseas.

Nancy Montanez Johner, the Under Secretary for Food, Nutrition and Consumer Services, and several other Government officials were there.

I hope now that they have seen this problem for themselves, the Department will move quickly to take immediate action to correct it, and stop purchasing foreign agricultural products for use in the School Lunch Program.

The Department should be promoting products from our U.S. farmers and producers. The Buy American provision should not be some secret Government provision buried low in the small type.

Chairwoman DELAURO assured me she would work with me on this important issue.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise to speak on H.R. 3161, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008, and discuss the great need for cattle research in this bill.

The Southeast, particularly the gulf coast, is home to almost 40 percent of the Nation's beef cow herd.

Cattle production in this region has unique problems that come from heat, humidity, disease, and the environment.

The USDA is currently conducting research on major issues affecting beef cattle at the Subtropical Agricultural Research Station in Florida.

However, to keep our cattle supply abundant and healthy, there is a growing need to increase the scope of the research and find creative solutions to the unique subtropical environment stressors that are affecting herd production.

I recognize that there are many important programs like this one throughout the Nation, but I urge the Appropriations Committee to work with me to ensure adequate funding for this vital program in the future.

Mr. WAXMAN. Mr. Chairman, funding for the Food and Drug Administration is incredibly important—FDA oversees products that make up one quarter of all consumer spending in the U.S. and it is vital to protecting the public health.

But for all that we ask of this agency, I am concerned that we do not give FDA what it needs to do its job. For years, FDA has been underfunded—its costs have risen dramatically while its appropriations have barely increased. In fact, the number of staff at FDA has actually dropped since 2003, despite rapidly expanding burdens.

I know that the chairwoman is a staunch defender of food safety, and I share her concerns. I have my own doubts about whether

this administration is doing all that it can to protect our food supply. But I also know that FDA cannot keep our food safe if it doesn't have the people to make decisions or conduct inspections. Because FDA's food programs do not involve user fees, unlike the drug and device programs, food safety is one of the most neglected functions at the agency. Partly as a result of this shortage, FDA's ability to ensure a safe food supply is severely limited. The effect of this is simple: Less money for food safety means fewer staff working to protect the food supply; fewer inspections; a diminished ability to respond to outbreaks, and—most important—a limited ability to develop policies that can prevent future catastrophes.

FDA is facing a shortfall of crisis proportions, and I believe that greater funding is imperative. We ask a great deal of FDA, and we need to support it with the funds necessary to do its job. I know that the chairwoman has taken the first step in this bill to reverse the trend of shortchanging FDA. But I think we can do more to begin restoring FDA to its proper role. That will require a multi-year commitment to greater funding.

I recognize that Chairwoman DELAURO is concerned about existing problems at FDA and I share her concerns. My committee's investigations of FDA have identified significant problems at FDA, some of which have nothing to do with funding. For example, we've seen political interference in scientific decision-making and a failure to conduct vigorous enforcement of the law. Both of these interfere with FDA's ability to protect the public health, and they cannot be fixed with money alone. But these issues are matched with problems that are purely a matter of resources.

I think we need to provide greater resources for FDA at the same time that we provide greater oversight.

Currently, the Senate bill appropriates \$1.75 billion to FDA, with \$522 million for food safety. The House bill appropriates roughly \$57 million less than that overall, and \$48 million less for foods. I think the Senate level of funding is a good start to restoring FDA to its proper level of funding. I urge the chairwoman to seek the highest level of funding that is feasible in conference.

As I said, I think this will be a multi-year effort, and I would like to work with the chairwoman on restoring FDA in the years ahead with even greater funding.

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

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to House Resolution 599, no further amendment shall be in order except the amendments printed in part B of House Report 110-290. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SESSIONS: Page 3, line 9, strike “: *Provided*” and all that follows through “budgets for contracting out”.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment would strike language included on page 3 of this legislation, which would have the same anti-competitive effect as language already included in almost every other one of the Democrat majority's appropriations bills, by preventing funds from being spent to conduct public-private competitions.

In this case, it would prevent funds from being used to allow the private sector to compete against the government for jobs by limiting the Agriculture Department's Chief Financial Officer's ability to spend money on this taxpayer-friendly activity until he provides a redundant report back to Congress on the Department's contracting policies.

While this policy may be good for increasing dues payments to public sector union bosses, it is unquestionably bad for taxpayers and for Federal agencies because agencies are left with less money to spend on their core missions when Congress takes the opportunity to use competition and takes that ability away from them.

□ 1900

In 2006, Federal agencies competed only 1.7 percent of their commercial workforce, which makes up less than one-half of 1 percent of the entire civilian workforce. This very small use of competition for services is expected to generate savings of over \$1.3 billion over the next 10 years by closing performance gaps and improving efficiencies.

Competitions, completed since 2003, are expected to produce almost \$7 billion in savings for taxpayers over the next 10 years. This means that taxpayers will receive a return of about \$31 for every \$1 spent on the competition with an annualized savings of more than \$1 billion.

This provision is obviously needed to stall public, private competitions for an entire fiscal year, rather than allowing a proven process to work, as it was intended, and it would harm taxpayers by denying the Department of Agriculture the ability to focus its scarce resources and expertise on core missions.

This concerted effort to prevent competition sourcing from taking place at the Department of Agriculture comes

just a week after the House passed an agriculture bill that goes way beyond the Federal scope and strips States of their ability to use competitive sourcing to improve their own food stamp programs, demonstrating that the Democrat leadership is hearing clearly from labor bosses that the Agriculture appropriations bill represents yet another good opportunity to increase their power at the expense of taxpayers and good government.

In this time of stretched budgets and bloated Federal spending, Congress should be looking to use all the tools it can to find taxpayer savings and reduce the cost of savings that are already being provided by thousands of hard-working companies nationwide.

Mr. Chairman, I include in the RECORD letters of support for this amendment from the Fair Competition Coalition.

THE FAIR COMPETITION COALITION,
August 2, 2007.

Hon. PETE SESSIONS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SESSIONS: The Fair Competition Coalition supports your efforts to remove from Title I the anti-A-76 language from the Fiscal Year 2008 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (H.R. 3161).

We are writing to express our strong opposition to the language in Title I under the Chief Financial Officer section, which would stop all funding of the Department's FAIR Act Inventories and all A-76 competitive studies. On behalf of the thousands of companies and hundreds of thousands of employees represented by the associations listed below, we urge adoption of this amendment.

The Federal Activities Inventory Reform (FAIR) Act was enacted during the Clinton Administration, and received strong bipartisan support in the Congress as well as union and industry support. The law simply requires each Federal agency to publish an inventory of all its commercial activities.

This prohibition will hinder the agency's ability to identify and access the best and most efficient sources for the performance of its commercial activities. All relevant studies have shown that the competition process itself, regardless of outcome, results in savings exceeding 20%. The prohibition on identifying and studying these positions is thus highly inappropriate and unfortunate for the taxpayer, as well as a restriction on the ability of any President to manage the Federal government.

FCC supports adoption of your amendment to remove this harmful language from HR. 3161.

Sincerely,

Aerospace Industries Association, American Congress on Surveying and Mapping, Airport Consultants Council, American Council of Independent Laboratories, American Council of Engineering Companies, American Electronics Association, American Institute of Architects, Associated General Contractors of America, Business Executives for National Security, Construction Management Association of America, Contract Services Association of America, Design Professionals Coalition, Electronic Industries Alliance, Information Technology Association of America, Management Association for Private Photogrammetric Surveyors, National Association of RV

Parks and Campgrounds, National Defense Industrial Association, National Federation of Independent Business, Professional Services Council, Small Business Legislative Council, Textile Rental Services Association of America, The National Auctioneers Association, United States Chamber of Commerce.

I urge all of my colleagues to support this commonsense taxpayer first amendment to oppose the underlying provision to benefit public union sector bosses by keeping cost savings competition alive to the government.

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

Ms. DELAURO. Mr. Chairman, I rise in opposition.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in opposition to the Sessions amendment, and I am astounded that the gentleman is taking the time of the House with this amendment.

The only requirement in the language that the amendment seeks to strike is for the USDA, the U.S. Department of Agriculture to provide a report on contracting out policies and expenditures, to the appropriations and the Oversight and Government Reform committees.

This is a bipartisan provision, included when the gentleman's party was in the majority and a long-standing provision that was first part of the Agriculture bill for fiscal year 2004.

If the gentleman's aim is to allow USDA to continue contracting out, this amendment is not the way to accomplish that. The language that we have included in the bill does not prevent USDA from carrying out the outsourcing of Federal work. What it simply aims to do is to establish a much-needed oversight on the related costs to contracting out.

Regardless of how one feels about the role of the Federal workforce and the outsourcing of Federal jobs to private contractors, why would we object to transparency in this area? We are talking about a report.

Now, after the comment about the report being burdensome, this is the report, it is hardly burdensome, four paragraphs and a chart. It really defies the imagination.

The fact is that we need to exercise our responsibility. We need to increase oversight in this area. We all know that the administration's guidelines for public-private competitions, OMB circular 876, has long favored contractors and stacked the deck against Federal employees.

The Bush White House has pushed privatization so much that the Los Angeles Times reported earlier this month that there are more private contractors in Iraq than U.S. troops. More than 180,000 civilians, including Americans, foreigners and Iraqis, are working in Iraq under U.S. contracts, according to State and Defense Department figures obtained by the newspaper.

I believe we should know the costs associated with contracting-out policies. That is all, again, that is all the language in the report is about, and I cannot understand why the gentleman objects to a report.

I urge a "no" vote on the amendment.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, may I ask what time remains.

The Acting CHAIRMAN. The gentleman from Texas has 90 seconds.

Mr. SESSIONS. Mr. Chairman, I yield 90 seconds to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman for yielding.

Mr. Chairman, I had an amendment that was not made in order that would have allowed us to have a conversation about States' rights.

There is a provision in the bill that severely rejects States' abilities to run their food stamp programs in ways they see fit in ways that are economical, provide benefits to beneficiaries in a respectful way; and it was not made in order.

I think States' rights and a conversation about that is a worthy topic this evening to have this discussion. It's unfortunate that a select few on the Rules Committee, on the majority, are afraid of that conversation.

I don't know if I would have won it or lost it. I think every time we trample on a State's rights to do things, the 10th amendment to the Constitution, that that's worthy of a conversation for this floor.

I am flabbergasted that the majority on the Rules Committee were afraid of having that conversation tonight. So let me add my voice to the long line of Members on this side who whined about being cut out of this process.

This is a legitimate issue, the right of a State to run its business the way that it sees fit, and if it does things correctly, and we develop new ways to do things, allowing other States to adopt those same models. This bill prohibits that from happening. This tramples on States' rights. It's an issue we should have had a full debate on, at least 5 minutes on each side, but we are not going to because of some fear on the other side.

Ms. DELAURO. Mr. Chairman, how much time is remaining?

The Acting CHAIRMAN. The gentleman from Connecticut has 2 minutes.

Ms. DELAURO. Mr. Chairman, again, let me just notify the gentleman who just spoke, there is truly nothing in our bill that deals with the issue of privatization or with States and privatization. I think the gentleman is confused with the Agriculture appropriations bill and with the farm bill which occurred a week ago. That was addressed in the farm bill. There is nothing in our bill that deals with the issue of privatization.

I think it's again worth noting that all we are speaking about here is a re-

port. What I can't understand is why we would not want to know about the cost of contracting out and what is happening. That is what our responsibility is, to ask questions. We have oversight responsibility of these Federal agencies.

As I pointed out before, you have 21,000 Americans, 43,000 foreign contractors, 118,000 Iraqis all employed in Iraq by U.S. tax dollars, according to the most recent government data. You have got the massive privatization of military jobs which have been taken up with construction, security, weapons systems, maintenance, and, in fact, we can't even keep track of that effort. We have a responsibility, whether it is Department of Agriculture, whether it is Department of Defense, whatever Department it is.

If we want to hold the jobs that we have, we ought to be asking questions about how taxpayers' dollars are being spent by these agencies. And it's fiscally responsible, and it is what we are charged with doing. You may choose not to know what they are doing because you concur that that's the thing to do, to replace Federal employees and their jobs. You can hold that view, but let's get the information. Let's get a mere report to do it.

I ask for a "no" vote on this amendment.

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

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

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

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

It is now in order to consider amendment No. 2 printed in part B of House Report 110-290.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 33, line 16, after the first dollar amount, insert "(reduced by \$6,287,000)".

Page 33, line 17, after the first dollar amount, insert "(reduced by \$6,287,000)".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that may be

modest in the dollars involved, but I believe it is very, very important in the principle that underlies it.

The amendment would simply level fund the Community Facilities Grant Program, level funding. It would spend the same amount of money next year that we have spent last year.

Instead, what we see in this appropriations bill is that the amount is going to be increased 37 percent, 37 percent. Now, again, the people who are going to be expected to pay for this, I seriously doubt that they saw their paychecks increase 37 percent.

Now, I have no doubt that good things can be done with this money. Those who want to spend more of the taxpayers' hard-earned dollars always have some very good rationale for doing it.

But the question is, any time you create a Federal investment, by definition you are going to be creating a family divestment, because somebody has to pay for this. In this particular case, when it is the Heritage Foundation, as is noted, by at least one count we have 10,000 Federal programs spread across 600 different agencies. I defy any human being to tell me what they do. The Office of Management and Budget has noted in their budget report: "This program is redundant with other Federal programs at the Department of Commerce and Housing and Urban Development."

Now, my reading of this bill, and I would certainly let the chairman correct me if I am wrong, I don't think one single program is terminated in this particular bill. Everybody is going to get more money except the people who have to pay for it, and that is the poor beleaguered taxpayer.

I have a lot of respect for the chairman of the subcommittee, and we serve on the House Budget Committee together. I know she hears the same testimony that I hear. That testimony is this Nation has a huge spending problem.

Already with the government that we have, we are on track to double taxes on the next generation or, for all intents and purposes, there will be no Federal Government in the next generation, save Medicare, Medicaid and Social Security.

I know it's a problem that doesn't manifest itself tomorrow, but how long is this Congress going to kick the can down the road? I mean, we have heard the testimony. Our Comptroller General has said that the rising cost of government is "a fiscal cancer" that threatens "catastrophic consequences for our country and could bankrupt America."

Yet here we have a bill increasing one program 37 percent and terminating none, none. I mean, where does it all stop?

Now, I know the subject matter is important. I have the honor and privilege of representing a fair amount of rural Texas in the Fifth Congressional District, but those are the same people

who are being asked to pay for this. They are the ones who are going to be subjected to the single largest tax increase in American history of roughly \$3,000 per family.

So here we have out of 10,000 Federal programs one that OMB has said is redundant, does the same thing that other programs do. Unfortunately, the committee's response is to increase it 37 percent.

Now, maybe the savings is modest to the taxpayer, but the principle is huge, because ultimately the Federal budget cannot grow beyond the family's budget ability to pay for it. There is a very important precedent that could be set here. Let's take one program and tell the American people who have to pay for it, know what, it can do with the same amount of money last year that it had this year. Let's protect, let's protect the family budget from the Federal budget. Let's adopt this amendment.

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

□ 1915

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield myself 2 minutes.

I rise in strong opposition to this amendment from the gentleman from Texas to cut the Community Facility grant program.

These are grants, please understand, that assist in the development of central community facilities in rural areas and towns of up to 20,000 in population. These are small communities, low populations, low income, and they receive a higher percentage of the grants.

What are they used for? To construct, enlarge, improve community facilities. What are those community facilities? It is about health care, public safety, community, public services. When you have seen what has happened to rural America with the loss of jobs, globalization, you have families and livelihoods which have become marginal, you also see the fabric of the community and those institutions cannot be sustained, and these things go away. And so that the local community has an opportunity to create some of these services that are necessary, it is vital to small communities, to impoverished communities. And they build fire stations, hospitals. They purchase ambulances and other critical facilities.

And if you don't deal with the health care where they have limited availability and accessibility, we are going to continually have a shortage of health care providers in rural America, and that is a disaster.

Major investments in transportation, telecommunications, and other critical services are necessary in many rural areas, and local tax bases are unable to

support necessary investments and improvements. And we know what the topography is in rural areas with the remoteness from metropolitan areas adds only to their difficulties.

This is essential, this program, to really help communities get a critical infrastructure. This is building infrastructure in rural America, which every report, every study says we need to do in order to reenergize and revitalize rural America. I urge you not to vote for this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, let's hear from some of the people in rural America whose health care is going to be impacted by this bill.

More spending fuels more taxes. Let's hear it from the McConathy family in Mineola, Texas. "We are retired and on a fixed income. If our taxes are raised almost \$3,000, we will not be able to afford the medication we need."

Mr. Chairman, that is coming from the people who have to pay the taxes to help pay for the 37 percent increase in this program that the Democrat majority wants. Maybe they can spend their money better for their health care; and, because of that, I urge adoption of this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment.

Let's be practical. This is about rural America. These are about towns that are under 20,000 people who have come together and decided they want to build community facilities, community centers so people can get together and solve problems. They have to put up the money for their match, and they are asking for a competitive grant program, means that their ideas have got to compete with other ideas in small towns around the Nation.

This gentleman gets up and berates the fact that he is taking all this time to cut this money out of rural America for something that they want. You go back and tell your taxpayers that, while we are sitting here, we spent \$13,732,620 in Iraq in one hour, in one hour. And they are building community centers over there for the Iraqis. We can build community centers for our communities in the United States.

I oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are advised to address their remarks to the Chair.

Ms. DELAURO. Mr. Chairman, I yield 1¼ minutes to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Let me rise in strong opposition to the gentleman from Texas's amendment, and I am hoping that the gentleman might engage me in a brief question.

These grants assist in the development of essential community facilities in rural towns of up to 20,000 in population. We talked about them in great detail in a number of hearings on the Agricultural Appropriations Subcommittee, and witness after witness suggested that these Federal funds, in conjunction with local funds, made it possible for them to advance the idea of health conversations and broader conversations about fire stations and hospitals and purchasing ambulances and other critical community facilities.

I was going to ask the gentleman if he wouldn't mind engaging in just a brief colloquy with me. A brief question: Does the gentleman support the President's budget?

I yield to the gentleman from Texas. Mr. HENSARLING. No, I do not.

Mr. JACKSON of Illinois. The gentleman does not support the President's budget. Well, that is important, because let us be clear that the gentleman's amendment is proposing \$16.8 million more than the President is proposing in this program.

The President has zeroed this program out. The committee sought to increase the number in this program. And if the gentleman's amendment returns it to the 2007 level, the 2007 level is \$16.8 million more.

I encourage you to vote against the Hensarling amendment and support the Community Facilities program.

Ms. DELAURO. Mr. Chairman, let me close by saying that, again, this is about building infrastructure in rural America.

The facts are that the demographics are changing in rural America. We are looking at communities that have lost jobs, that have lost because they can't sustain them, community institutions. These community facility grants allow for these communities to access resources in order to create the kinds of services that they and their families need in order to be able to survive.

The demographics are going in one direction, and the administration will take away all of the opportunities, as with the gentleman from Texas, for these communities to be able to thrive. It is wrong, and I urge my colleagues to vote against this amendment.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 48, line 12, after the first dollar amount, insert "(reduced by \$8,910,000)".

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, the purpose of this amendment is, frankly, identical to the purpose of the previous amendment; and that is, let's show the American people that, out of these 10,000 Federal programs spread across 600 different agencies, that maybe one of them, one of them can do with the same amount of money next year that they had last year.

Instead, this particular program that is involved, the Broadband Grants program, in H.R. 3061, spending on the program has doubled, increased 100 percent. Again, are people who are expecting to pay for this, did their family income go up 100 percent?

And I have listened carefully to several of the previous speakers, and I will be measuring my comments. But, Mr. Chairman, I grew up working on my father's family farm. I am the son of a farmer. I am the grandson of a farmer. I am the great grandson of a farmer. I grew up in rural communities in Texas like Slaton and Naples and Lingelville. So, Mr. Chairman, I don't take a back seat to anybody to my commitment to rural America. It is where my roots are.

And so maybe some of the people on the other side of the aisle, maybe their constituents are a little different than mine. Maybe the people they grew up with and their surroundings and circumstances were different than mine. But I spend a lot of time talking to people in rural Texas in the counties that I have the pleasure of representing, those counties that help comprise the Fifth District of Texas. And they would love to all have broadband. They would love to have it.

And do you know what else they love even more? They would love not to have the single largest tax increase in American history imposed upon them. They would love to get rid of the death tax that can take away the family farm or ranch it took generations to build. That is what they would love. They would love the ability to be able to dispose of their private property, as they struggle to make their family farms and ranches successful. Each one of these has been opposed by the Democrat majority. That is what rural America needs. That is what people on the farm and ranch need.

Now, again, the goal of helping bring broadband to rural America is a very

worthy goal. It is a very lofty goal. And I am sure in just a couple minutes we will hear how the entire rural America will come to a complete halt if we don't have any Federal, a Federal Government program dealing with broadband, notwithstanding the fact that the Office of Management and Budget has already noted, "This program is duplicative of the Broadband Loan Program authorized in the 2002 farm bill. The areas eligible for grants are also eligible for low-cost broadband loans through the RUS."

The program is already there. So what are we doing spending double on this program, being completely oblivious to the people who have to pay for it?

Again, there is great, great focus on the benefits of this program. But where is the focus on the cost?

Again, I know the gentlelady from Connecticut hears the same testimony I do in the Budget Committee, but already we are on track, we are on track to double taxes for the next generation. The Comptroller General has said that we are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. And so what do we do? We don't even sit idly by. We double spending on this particular program, completely oblivious to those who have to pay for it, especially future generations.

If there is anybody who qualifies today for the least of these in the political process, it is future generations. And because of that, although the principle is large, the sum is modest, I encourage adoption of the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise again in strong opposition to this amendment from the gentleman from Texas. This would cut in half the Broadband Community Connect program.

This funding level will help. First, let me quote to you from something called the Carsey Institute Report, Rural America and the Twenty-First Century Prospectus from the Field. And this is the quote. This is June, 2007: "Expanded broadband telecommunication is essential, is essential, if rural areas are to be competitive in a global economy."

I can't believe the gentleman would want to move us backward and not forward in terms of allowing our communities to move into the 21st century and to be able to compete globally. This funding level helps more families in rural communities get the access that they need to technology. This helps to increase business, employment opportunities, greater access to educational and lifesaving medical services.

This is not a partisan issue. We all support providing increased broadband

services to rural America. Communities that are selected to receive grant funds do not currently have access to broadband connectivity for central services of police, fire protection, hospitals, local governments, libraries, schools. In return, what the communities do, because it is a partnership, they provide a community center where you have at least 10 computers to be available to the public with hours set for instruction and on the use of the Internet.

This is about economic opportunity and revitalization and the potential for improving the quality of life for residents in these areas that need to have this infrastructure. The technology is going to be the key to the ability of rural businesses and rural economies.

Mr. HENSARLING. Mr. Chairman, number one, with all due respect to the gentlelady from Connecticut, this amendment would cut nothing. It would level fund the program from one year to the next.

And, again, let's hear the voice of rural America. Let's hear from the Peterson family in Van who is going to have to pay for this.

"I am a widow, a full-time college student, single mother of a growing teen boy. This amount would be impossible to squeeze out. The monthly amount is more than half of my monthly vehicle installment and more than a third of my monthly housing expense and exceeds my already bare bones monthly grocery budget."

Let's adopt the amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. JACKSON).

□ 1930

Mr. JACKSON of Illinois. Thank you, Madam Chair.

Let's put a face on this program. In Horseshoe Bend, Idaho, no company had invested in providing broadband delivery to the residents until a company called Bitsmart applied for a USDA Community Connect Grant. 770 people live in Horseshoe Bend, Idaho. Now, Bitsmart has established wireless Internet accessibility and availability, an integrated system connecting law enforcement, health care providers and school and government offices.

The USDA Rural Development mission is to increase economic opportunity and improve the quality of life for rural residents. To level fund a program that connects rural Americans to the rest of our country would be a moral disgrace. We are under an obligation in this Congress to bring rural communities, where large corporations and medium-sized corporations do not invest in them, into the information age and make them part of our more perfect union.

I encourage my colleagues to reject the Hensarling amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment, and I

hope the author will tell that mother in rural America that his money cuts grants to rural areas, to her local schools in rural areas, to her hospitals and to her rural businesses who all want to get access to broadband. They're leaving the rural area because they don't have this.

Also tell that mother that the same amount of money is being spent in Iraq in 45 minutes, in 45 minutes. In just the time of this debate, we're spending more money than this amendment cuts in Iraq to build those things that he wants to cut away from rural America.

This amendment is wrong. I oppose it.

Ms. DELAURO. How much time, Mr. Chairman, remains on our side?

The Acting CHAIRMAN. The gentlelady from Connecticut has 1 minute. The gentleman from Texas' time has expired.

Mr. JACKSON of Illinois. I was hoping the gentlelady from Connecticut would yield for just a brief question.

Would the gentlelady care to share with the committee what the President's proposal was for this particular program in this particular budget?

Ms. DELAURO. The President's proposal was to zero out the broadband program, telemedicine, which is really quite extraordinary in an age of technology, an age of trying to bring our communities together and particularly rural America. One of the things that we do in this bill is we're examining why we have so many underserved areas in terms of rural America. And we're going to request that the Inspector General do a study of why money isn't going into the underserved areas.

I don't think that there's an individual in this House, on either side of the aisle, that doesn't believe that that is the key to the future; the Internet, broadband, telecommunications. It's for urban areas. It is particularly for the rural areas which are underserved. Again, these are communities population under 20,000. Libraries, educational centers.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Ms. DELAURO. I urge my colleagues to vote against this amendment.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KINGSTON: Strike section 726.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I yield my time to the gentleman from Michigan (Mr. ROGERS).

The Acting CHAIRMAN. Without objection, the gentleman from Michigan will control the 5 minutes.

There was no objection.

Mr. ROGERS of Michigan. Mr. Chairman, I'm going to cut right to the chase. We have so little time.

I yield myself 2 minutes.

You know, the New York Times highlighted in an investigation in May, the global and deadly epidemic of counterfeit drugs. Counterfeit product diethylene glycol, an industrial solvent ingredient in antifreeze, found its way into cough medicine on our shelves. It was traced from Panama, through Spain, from China, all countries that would be permitted under this bill.

We must remember how dangerous this is. And I understand everybody's intention to try to lower drug prices to our seniors. That's critically important.

But what we are doing is throwing open the gates to every counterfeiter in the world, and the top five countries, China, Russia, India, Colombia, the other countries who are trying purposely to adulterate our prescription drug safety in the United States of America.

Seventy years ago the same diethylene glycol killed more than 100 people in the United States. That's why we have the FDA today. And guess what? It just happened again in May.

This is the wrong time to throw away all of those institutional years that we've developed to protect our drug supply in America. And I want to quickly show, and I apologize for the speed here, Mr. Chairman, but we have so little time on such an issue that is so important to the United States of America.

This is one of the facilities that was making drugs in China. How many of you would ask your mother to take a drug coming out of this facility? None of you. None of you would do it. And it's wrong for us just to throw it open for a political gamesmanship to say we're going to try to lower drugs. It's dangerous.

Aricept, to treat Alzheimer's disease, was found to be counterfeit. And it looks unbelievably uncanny like the real thing. Let me show you real quickly. Look, you cannot tell the difference. Are you going to ask an Alzheimer's patient to tell the difference between the real and the counterfeit?

And guess what? This isn't 70 years ago. This is today. They're trying to do this today. I cannot tell you how dangerous this is. We should take the opportunity to undo this and go back and use common sense.

I reserve the balance of my time.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, first of all, because we are under such tight time constraints, I might add, and I understand the points that the gentleman from Michigan was making.

But of course, let me also mention, and I'll submit this for the RECORD, that the foreign facilities inspected for approval by the Food and Drug Administration include those from 65 countries, and I'll name just a couple: China, Macau, Niue. I don't know if anybody here has heard of the country Niue. I'm embarrassed to say that I don't know where Niue is. Russia, India and several other countries that at one point in time may have been questionable.

I also want to point out to the gentleman, and I know that he must be aware, that 40 percent of all drugs that come into this country that we take on an everyday basis, whether it is cholesterol medicine like Lipitor, which is made in Ireland, or Prilosec, which is made in Sweden, all of these drugs are already imported into the United States. So how do we really know if these drugs that are sold by the brand name manufacturers actually have ingredients that are safe?

And I would also say to my colleague from Michigan, who is very, very lucky, because Michigan is right next to Canada, and your senior citizens are able to cross that border there at Detroit, go into Canada, and they can buy their prescription drugs for 40 percent less, 50 percent less than American citizens can.

U.S. FOOD AND DRUG ADMINISTRATION

Foreign Facilities inspected for approval by FDA (65 countries)

Argentina, Austria, Australia, Belgium, Bahamas, Brazil, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, Finland, France, Germany, Haiti, Hungary, India, Ireland, Israel, Italy, Japan, Jordan, Latvia, Macau, Malta, Mexico, Netherlands, Niue, Norway, Poland, Portugal, Republic of Korea, Romania, Russia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Taiwan, Turkey, United Kingdom.

Mr. ROGERS of Michigan. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN), who knows that 30 percent of the prescription medicines in the areas of Latin America, Asia and sub-Saharan Africa are counterfeit, all of which would be permitted under this bill.

Mr. ROTHMAN. Mr. Chairman, I support the Kingston amendment which upholds existing law which allows for the importation of a personal-use quantity, a 90-day supply of a prescription medicine from Canada.

What the Kingston amendment will not allow, though, is the bulk importation of pharmaceuticals for the use of so-called Internet pharmacies. Internet pharmacies, you don't know where they're getting their drugs. They could come and have come from every single continent, from nearly every continent on the planet.

If we want to reduce the price of drugs, we ought to encourage the drug companies to eliminate or minimize the price disparity between what our citizens pay in the United States and what people around the world pay for their prescription drugs. And, Mr. Chairman, we ought to reform Medicare part D.

The Republican plan would subsidize the insurance industry and subsidize the drug companies instead of using that money for cheaper drugs for our own people in the United States.

But the Kingston amendment will assure a personal supply that you can get from Canada, but will also assure a safe product comes to the people of the United States when they get their prescription drugs.

Mr. ROGERS of Michigan. Mr. Chairman, I reserve.

Ms. DELAURO. I yield 30 seconds to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. I would just like to point out, 1, as I was starting to say, that our senior citizens, even with Medicare part D, cannot afford their prescription drugs. There is no competition in the marketplace.

And it was very interesting, today I ran into one of the pharmaceutical lobbyists who happened to tell me, Oh, my gosh, the Kingston amendment is getting us all engaged again in this issue, and, you know, we're going to pull out all the stops.

And I dare say that I would prefer to stand up for my constituents in Missouri as opposed to the pharmaceutical companies keeping competition and low prices out of this country.

Mr. ROGERS of Michigan. It's unfortunate the gentelady would take personal comments, when you know that there are Americans and a Canadian who was just killed using counterfeit drugs, very unfortunate indeed.

I yield 1 minute to the distinguished gentleman from Michigan, the chairman of the Energy and Commerce Committee, a good friend and a great friend of the American people, Mr. DINGELL.

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

Mr. DINGELL. Mr. Chairman, this is a good amendment and it should be adopted.

How many of my colleagues saw television last Sunday night when they saw the hundreds of thousands of fraudulent counterfeit pharmaceuticals, pills that could be imported into the United States from China, and saw Chinese entrepreneurs bragging about how many of these they could make available?

You can kill people with bad drugs two ways. One is by giving them adulterated, contaminated unsafe drugs. That'll kill them. The other way is to give them drugs that don't do anything. And these drugs, although cleverly marked and wonderfully packaged, don't do anything.

How many of you want the blood on your hands of having people killed by allowing drugs to be imported which are not safe or which do not do what they're supposed to do?

How many people here want to see to it that your constituents are getting drugs which won't deal with hypertension or which won't address the problems of cancer or which won't deal with other life-threatening drugs, with life-threatening conditions?

I urge you to support this amendment.

I commend my good friend from Michigan for his leadership, and I say thank you. The Nation owes you a debt.

The Nation is watching this Congress to see whether or not this Congress is going to protect the people or whether we're going to expose them to great risk. I challenge my colleagues to do what is right.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise to oppose the gentleman's amendment and to allow the importation of safe prescription drugs into our country.

You know, the pharmaceutical companies are making record profits. I represent a district along the Canadian border. Hundreds and hundreds and hundreds and hundreds of sick people from our district have to drive up over that bridge, the Windsor Bridge, up into Canada in order to take care of their mentally ill kids. The senior citizens that can't afford drugs, or they've been thrown out of a job, to try to keep house and home together as they have to purchase various pharmaceutical products.

What do we have an FDA for if it isn't for certification? That's what we want them to do. These drugs are being bought from certified pharmacies.

You know, the seniors that come through the supermarket aisle in the place where I shop back home, they're choosing between food and medicine. What kind of a choice is that, really?

You don't have to buy unsafe drugs. You can buy safe drugs. We want the FDA to regulate. I'd prefer to see drug prices reach an affordable level in our Nation and to make sure that all of our people have full prescription drug coverage under Medicare, and that's the direction we ought to move, including drug coverage under our insurance programs.

But there's absolutely no reason to buy the red herring that if you buy pharmaceuticals in Canada they're not safe. There isn't a single person in my district that has ever gotten sick, because they go to certified pharmacies.

The tragedy is they cannot afford those drugs in this country.

And I want to compliment Congresswoman DELAURO, who has fought on this, Congresswoman EMERSON, who has fought on this. It seems like we keep fighting this because the pharmaceutical companies keep fighting us to do what's right for this country.

Mr. ROGERS of Michigan. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. Thirty seconds.

Mr. ROGERS of Michigan. I yield the remaining time, as I remind the gentelady from Ohio that this bill would actually eliminate the enforcement of the FDA of all the rules, which makes it so dangerous. And nobody knows more about the dangers of counterfeit imported drugs than the gentleman from New Jersey. I yield my remaining 30 seconds to the distinguished gentleman from New Jersey (Mr. FERGUSON).

□ 1945

Mr. FERGUSON. Mr. Chairman, I rise in strong support of the Kingston amendment.

I have got short time, but earlier this year the Energy and Commerce Committee had a hearing on drug safety, and my good friend, the gentlewoman from Colorado (Ms. DEGETTE), summarized the problem with drug importation by referencing a New York Times article just that week. She said, "Counterfeit drugs made in China were exported to Panama for sale, and they included a deadly toxin . . . 365 families reported deaths as a result of the tainted cough syrup and fever medication."

My friend, Ms. DEGETTE, continued: "Mr. Chairman, the dangers from counterfeit and contaminated drugs are frighteningly real, even under the current construct. Permitting reimportation would significantly increase the risk of counterfeit, misbranded, and adulterated drugs that would end up in my constituents' homes."

I agree with my friend from the other side of the aisle, the dangers related to drug importation the FDA needs the authority to prevent counterfeit medicines from coming into America.

I urge my colleagues to support the Kingston Amendment.

Ms. DELAURO. How much time is left, Mr. Chairman?

The Acting CHAIRMAN. The gentleman from Michigan has no time left. The gentlewoman from Connecticut has 90 seconds.

Ms. DELAURO. I yield 30 seconds to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for the time.

I want to say this is a major policy change. That is why we are here debating it. It is unfortunate we don't have a full Chamber. But the reason that I offer this amendment is because I think we should have the floor engaged

on it, and we will have that opportunity tonight.

Number two, people are doing this. There are 1 to 3 million people who are buying Canadian drugs and drugs from other countries right now. If we are interested in safety, we will find a way to make this safe. This is a country that just invented the iPhone, the iPod, the navigation system, and all this stuff. We can figure out how to make these drugs safe.

Finally, as Ms. KAPTUR said, these are certified drugs made in the United States in most cases.

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

I reiterate: These are FDA-approved drugs from FDA-approved facilities. Let's set the record straight.

The Congress has been misled by the pharmaceutical industry. They have stood in the way of keeping safe and affordable prescription drugs out of the hands of consumers. They are now misleading us in this campaign to scare the American public on the issue of drug importation. Prescription drugs can be imported into the United States safely. It has been done for decades. Reimportation needs to stay on the table. It needs to stay in this bill.

The drug companies have repeatedly demonstrated the influence that they have gained within the FDA and the Bush administration. It is time for the Congress and the American people to demonstrate that we are not easily swayed. Oppose this amendment.

Ms. ESHOO. Mr. Chairman, I rise in support of the Kingston Amendment which would strike language from the bill to implement a fundamental change to the FDA's drug safety laws by allowing the commercial re-importation of prescription drugs.

The bill is a vast expansion of current policy. Besides allowing individuals to bring drugs across the border for their personal use, the bill would allow pharmacists and wholesalers to re-import prescription drugs for sale in the U.S.

Let me address the myth that allowing prescription drug reimportation will dramatically reduce drug costs for Americans. This has never been proven and according to a 2004 report by the Department of Health and Human Services, estimated SAVINGS TO INDIVIDUALS WOULD BE LESS THAN 1 PERCENT. I'm concerned about taking serious risks to patient health for little or no gain.

It's important to remember why prescription drug reimportation was banned in the first place. Nearly 20 years ago, Congressman JOHN DINGELL introduced and passed the Prescription Drug Marketing Act. He did so on the heels of a multi-year investigation by the Energy and Commerce Committee's Oversight and Investigation Subcommittee.

The Subcommittee's investigation uncovered a string of abuses that were harming patients, including widespread importation of counterfeit drugs, drugs that had been tampered with and drugs that were incorrectly dosed or wrongly labeled. It showed that wholesalers who brought drugs back into the U.S. had no idea where the drugs originated, who they were buying them from and whether they were stored properly.

These problems have only worsened in the years that have followed. In 2003 the FDA and Customs Service found that 88 percent of imported medicines entering the U.S. were unapproved or otherwise illegal.

Mr. Chairman, the FDA is already a beleaguered and underfunded agency, a fact which was borne out by the recent incidents involving the importation of dangerous food and drug products from abroad, including tainted dog food and toothpaste, and Congress continues to struggle to find revenue for this vital agency. To require the FDA to take on the additional mandate of policing imported drugs will only place additional burdens on an already strapped agency.

I understand the concern of many of my colleagues about the cost of prescription drugs, particularly for elderly Americans, and I believe there are ways to address these issues without endangering public health. We cannot and should not jeopardize the safety of our drug supply on the unproven mechanism of reimportation.

I urge my colleagues to join me in voting YES on the Kingston Amendment.

Mr. BUYER. Mr. Chairman, I am very concerned about a highly controversial provision that allows for commercial importation of prescription drugs from any country, regardless of the safety of their prescription drug supply, and includes no safety mechanisms to protect Americans from potentially harmful drug imports.

My greatest concern is the number of counterfeit, illegal, and unapproved drugs flowing into the United States right now under a system which is closed to prescription drug imports. Today, Customs and Border Protection estimates that 273,000 prescription drug imports enter our country every single day—of which less than one percent are screened before being sent to Americans' homes. A 2003 report by the FDA found that 88 percent of the medicines imported into the United States were unapproved or otherwise illegal.

Mr. Chairman, administration after administration, regardless of the party in control of the White House, has been unable to certify the safety of our prescription drug supply in a market open to prescription drug imports. I strongly oppose prescription drug importation and encourage my colleagues to support the Kingston amendment to strip the appropriations bill of the harmful importation provision.

Mr. PRICE of North Carolina. Mr. Chairman, as we consider H.R. 3161, the FY 2008 Agriculture Appropriations bill, I want to voice my serious concerns about the provision in the bill that would prevent the U.S. Food and Drug Administration, FDA, from protecting U.S. consumers from the import of unsafe pharmaceuticals.

While we have had a de facto policy of allowing the importation of personal use quantities of prescription drugs from Canada, the bill before us would for the first time allow wholesalers and pharmacists to import bulk quantities of prescription drugs from any country, regardless of origin. The resulting increase in unregulated drug imports into this country would be exponential.

Such an increase would almost certainly lead to a rise in the number of counterfeit drugs and drugs shipped without adequate shipping safety precautions, creating serious health risks for patients.

I understand the need, sometimes the desperate need, for less expensive medications.

To a great extent, this need is a function of the failure of our health care system to uniformly provide adequate health care coverage. For some 44 million Americans, the system fails to provide any coverage at all. And the Medicare Part D doughnut hole continues to make medications unaffordable for many seniors.

We clearly must find a way to make health care, including prescription drugs, affordable to more Americans. But reimportation on this scale is simply the wrong prescription for what ails us.

Even if we were to focus more narrowly on imports from Canada—and keep in mind that this bill would allow imports from any country—no one should assume that the safety issues would be resolved.

Many American consumers who order prescription drugs from Canadian pharmacies assume those medicines are coming from Canada. However, this is often not the case.

In December 2005, FDA announced the results of an operation to confiscate parcels containing pharmaceuticals from India, Israel, Costa Rica and Vanuatu, 43 percent of which had been ordered from Canadian Internet pharmacies. Of the drugs being promoted as “Canadian,” 85 percent actually came from 27 countries around the globe.

In response to the investigation, then Acting FDA Commissioner Andrew C. von Eschenbach said, “These results make clear there are Internet sites that claim to be Canadian that in fact are peddling drugs of dubious origin, safety and efficacy.”

This investigation raises serious questions about the form such an importation program would take. Who are the “wholesalers” and “pharmacies” that would be importing in large quantities and how would they be regulated? How would their operations interface with the existing supply chain? How would FDA protect consumers from fraud or drug contamination?

Congress has previously given HHS the authority to permit bulk drug reimportation, but both the Clinton and Bush administrations declined to use this authority because of the intractable safety issues involved.

I simply cannot support tying the hands of the FDA with regard to the importation of prescription drugs when their safety and effectiveness cannot be guaranteed. I urge a yes vote on the Kingston amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

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

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

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

AMENDMENT NO. 6 OFFERED BY MR. KINGSTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KINGSTON: At the end of the bill (before the short title), insert the following:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture who would require contracts to construct renewable energy systems to be carried out in compliance with the provisions of the Davis-Bacon Act.

The SPEAKER pro tempore. Pursuant to House Resolution 599, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman I yield myself 45 seconds.

Mr. Chairman, we are at a time right now when people are paying \$3.10 for gas, \$3.30 a gas. Gas is on the rise, and our options are limited. We are importing 60 percent of our oil.

It is ironic that on an Ag policy where 2 percent of the population is feeding all 100 percent, if we were importing 50 percent of our food, it would be a national security crisis, and yet oil, which is just as important, we are importing 60 percent of it.

During this time when we are in desperate need for alternative energy options, we should not increase the price of making cellulosic ethanol. And yet in the Ag bill, there was a clause that says if you are building an ethanol plant, you have to have prevailing wages, which drives up the cost of the plant and, therefore, drives up the cost of ethanol.

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

Ms. DELAURO. Mr. Chairman, I rise to claim the time in opposition to the gentleman's amendment.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to strongly oppose this amendment.

This amendment smacks right at heart of our wage structure, of fair wages and protected wages. Long before Taft-Hartley, before the Wagner Act, this was put on the books in 1931, 76 years ago.

And I might add Davis-Bacon was put on the books by a Republican administration, President Hoover, because at that time it was needed to have wage stabilization. Davis-Bacon is the cornerstone of the wage protection structure in this country that has produced the middle class that has been the backbone of this country. Davis-Bacon prevents underbidding of any contractor coming in on a government contract, low bidding and attempting to bring in a contract and hire workers below the prevailing wage. It is most important. And I might say, Mr. Chairman, this amendment was dealt with in

the Agriculture Committee and soundly defeated at that time.

Essentially, what they are proposing is this: In the Ag bill, we have dedicated \$4 billion for loan guarantees to set up ethanol plants. Now, Mr. Chairman, these are highly sophisticated operations. In order to come in and to be able to have the opportunity to be able to process an Internet technology, a foreign operation and a product that is clearly into the future, clearly we need the best talent, the best skills. We don't need not to protect the prevailing wage in this community.

Now, my opponents are going to come and say they are probably talking about union wages. Nothing in here says that. It says prevailing wages, prevailing wages that are set by a scientific survey that goes in and takes a survey of the wages in that local community. Why should the government be an instrument to come in and undermine a local community's labor standards? That is what Davis-Bacon was put in to protect, and that is why this is so important here today.

We need not be a thief coming in to take away from a local community what they have earned and their wage standards at their level. Why should the government come in and allow for this to happen? These protections were put in to prevent fly-by-night operations from coming into a community. Because so many government contracts are to the lower bidder and sometimes they bid low so they can go out and pay these low wages that are below the prevailing wage in that community. It is wrong to do that and, quite honestly, unAmerican. Because this law, Davis-Bacon, has been on the books for 75 years and has done this country good, and we deserve to keep it in.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Georgia for yielding.

I listened attentively to the other gentleman from Georgia, who spoke with such confidence and authority on the Davis-Bacon wage scale. I may be the only Member of Congress, I know of no others, who has earned Davis-Bacon wages and paid Davis-Bacon wages, and I have lived underneath that for over 30 years, 28 years writing paychecks, over 14 consecutive months meeting payroll. I know what this does.

But I can tell you the history of it also goes back to an Iowan, an Iowan President, as the gentleman said, Herbert Hoover.

But this is the last remaining Jim Crow law on the books that I know of. It was designed to keep blacks out of the construction trade in New York. And I would ask the gentleman from Georgia to join me in helping to start the repeal of this process because this is the aspect of freedom between the employer and the employee.

Prevailing wage by definition, union scale in practice, there is no other way

to analyze this. Union scale is what gets produced when the Department of Labor produces the proposed prevailing wage.

And when you talk about \$4 billion set up for cellulosic and its being a highly sophisticated project, yes, it is; and we build these projects without its being union labor sometimes. If they can compete, we do it with union labor. My former crews have done so, and they are highly skilled and highly trained, and they get paid a wage that often is a 12-month-a-year wage, not something for just the hours they are on the job but wages and benefits so they can make a good wage and stay with you year round.

There was over a billion dollars invested in renewable energy in my district last year. There will be over a billion dollars invested this year. We are number one in biodiesel production in America of the 435 districts. We will be number one in ethanol by the end of this year. And there is no way that any other district in the country has a hope of catching up with the Fifth Congressional District of Iowa if you are going to impose Davis-Bacon wage scales on this and burn up at least 20 percent of the capital that will go into this. The cellulosic is experimental, and it is in my neighborhood. We need to invest the dollar as well.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment for a very practical reason. The State of California, which is probably the most populous State in the United States, has done more for cutting energy costs by doing energy conservation and renewable energy. It has built all kinds of plants, all kinds of opportunities for renewable energy. It has reduced the per capita energy use in the United States to the lowest per capita in the country, doing the best job. And every one of those facilities was built under Davis-Bacon law.

It is not a problem. We have built every courthouse, every schoolhouse, every road, every capital in this country. It has been on the books for a long, long time. And this is just a get at labor, get at people, try to cut wages, go to the lowest cost. Essentially, it increases all kinds of imported labor.

This is the wrong way to do it. It is a mean amendment, and it should be defeated.

Mr. KINGSTON. Mr. Chairman, I yield myself 1¼ minutes.

I wanted to say what we are talking about here is if a business goes and gets a loan, then the government, because it is a government loan, turns around then and basically dictates what they have to pay, and what they have to pay is a higher wage than it is in most communities. Otherwise, the Democrats would not be putting it in here. If this was about free enterprise, this clause would not be in the farm bill.

And my biggest gripe is that it is making energy costs go up because it is making the construction of alternative energy facilities higher. As Mr. KING says, it is about a 20 percent bump in the cost of construction of a cellulosic ethanol plant. That's why I think it is a concern.

Who is going to pay for this? The consumers at the pump. And, in the meantime, there might be fewer alternatives.

In Georgia right now my good friend, Mr. SCOTT, knows we have three ethanol plants on the books, another two coming, and potentially 70 to 80 that will be built in the next 2 to 3 years. Now those are not all cellulosic ethanol plants, but why should we increase the cost of those?

I am excited about this because it does represent a new avenue in alternative fuels, and I don't think we should make anything increase the cost of that.

Ms. DELAURO. Mr. Chairman, I yield 15 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentlewoman for yielding.

I had to come back to respond to Mr. KING's assertion that Davis-Bacon was put in for some reason to prevent black workers from working.

I went back to the point of the law so I could make sure I could clarify that. This is what the law says: Adopted in 1931 by President Hoover as an emergency measure intended to help stabilize the construction industry and to encourage employment at fair wages, not less than those prevailing in the locality of the construction work and not to keep black people from working.

□ 2000

Mr. KINGSTON. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from Georgia controls 1 minute. The gentlewoman from Connecticut has 45 seconds.

Mr. KINGSTON. I yield the remainder of my time to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Georgia.

It's interesting to me how the components of history don't match up the same from what I read and what the other gentleman from Georgia (Mr. SCOTT) reads. And I've read through a fair amount of this history.

But the foundation of the Davis-Bacon wage scale went back to a Federal building contract that was awarded on low bid in New York City. And there was a contractor that brought in labor from Alabama, and it was African American labor from Alabama because they would work cheaper than the union labor in New York City. That's an historical fact.

This is a Jim Crow law. And I would appreciate it if the gentleman would join me in repealing it from the books.

But it's a practical application today. It's 8–35 percent more money when you go Davis-Bacon wage scale. I average it out to 20 percent.

My company, that I sold to my oldest son, has done work on these sites, and we know the costs and we know the skills that are there. And we're developing the skills within our region and our neighborhood because we keep those people 12 months out of the year. They don't always go in and out of the union hall; if they can compete, they do. But we need to develop the skills and intellectual property. We need to develop our fuel so that we aren't importing oil from the Middle East.

I urge adoption of this amendment.

Ms. DELAURO. I urge my colleagues to oppose this amendment. Why? Why would we want to deny American workers, including those involved in rural development, the opportunity to receive fair prevailing wage protection? It's a matter of fairness for working men and women.

This is a program that is 75 years old, started by a Republican Congress in a Republican administration. The amendment attempts to undo what the House farm bill passed last week.

Mr. Chairman, Davis-Bacon prevents our workers from being exploited, and it encourages high-quality work. Again, I urge the rejection of this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. JORDAN OF OHIO

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part B of House Report 110–290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JORDAN of Ohio:

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

SEC. ____ . Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.5 percent.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, Members of the House, government spends too much money. Ask any American family, is government so lean, so efficient, has it tightened its belt so much that it just can't cut anymore, it has to spend what this bill purports to spend and wants to spend? And if you ask a typical American family that, you're going to get an overwhelmingly, No, government is too big; it spends too much.

And if you don't believe the American people and American families, look at the numbers. We have a \$3 trillion budget we're dealing with here. We have an \$8 trillion national debt. The government spends \$23,000 per American household. We have an entitlement crisis that everybody knows is going to happen here in the next 10 to 15 years when you think about what we face in Medicare, Medicaid, and Social Security. And then this bill grows, over last year's spending level, 2½ times the rate of inflation, 5.9 percent increase over last year, \$1 billion increase in spending over what we did last year.

My amendment is real simple. Frankly, it's the same amendment I've offered, now this is the ninth time. All non-defense related appropriations bills we have offered this amendment to, and the amendment is real simple. It says we're not going to cut anything; we're just going to spend what we spent last year. A pretty modest first step in beginning to get a handle on the spending that is out of control with the Federal Government.

Because one thing I know for certain, I've said this several times, but it's so true in my time in public life. We always hear about tax and spend politicians. The truth is, it's spend and tax. Spending always drives the equation. More and more spending inevitably leads to higher taxes and more taxes. In fact, we've seen that from this body over the last several weeks, tax increases on American families, American business owners, tax increases that hurt those families, hurt our businesses, and ultimately hurt our economy.

This is a simple amendment which says, let's spend what we spent last year; after all, all kinds of families, all kinds of taxpayers, all kinds of business owners have had to do that time and time again. It's not too much to ask the Federal Government that has a \$3 trillion budget, an \$8 trillion debt, and spends \$23,000 per household, it is not too much to ask the Federal Government to do the same thing.

And with that, Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise in strong opposition to the gentleman's amendment, which would cut all of the agencies and programs in the bill by 5.5 percent to stay at the 2007 level.

This would represent a cut of more than \$1 billion from the bill. Now is exactly the wrong time to cut funding for the critical programs under this bill. It is not the way to restore fiscal discipline and balance the budget.

Rather than using targeted precision cuts, as we have done with the bill, an across-the-board cut hurts core programs, increases the investment deficits our communities across the country have had to overcome in the past years, regardless of the value of the program. We face investment deficits in fundamental programs, rural and economic development, nutrition, international food assistance, agriculture exports, conservation, food and drug safety.

I mentioned in my opening remarks that the fiscal year 2008 mark provides total discretionary resources of \$18.8 billion, \$1 billion above 2007, \$982 million above the budget request. These are modest increases, but critical to provide basic services to rural communities to feed those in need and support conservation efforts. And 95 percent of the increase in this bill is used precisely to restore these programs.

If we cut \$1 billion from the bill, as the gentleman is proposing, this is what would happen: we would not be able to fund these efforts in rural development. Direct loans for the section 515 Rural Multi-Family Rental Housing Program; section 502 directs single family housing programs; broadband grants, the Community Connect Broadband Program; Empowerment Zone; Enterprise Community Program; Community Facility Grant Program; Rural Business Enterprise and Opportunity Grants Program. We would have to significantly cut funding for water and waste grants, mutual self-help housing grant programs, farm labor housing loans and grants. In conservation, we will eliminate funding for the Watershed Flood Prevention Operation.

Watershed surveys and planning. Cut funding for the Watershed Rehabilitation Program, Grazing Lands Conservation Initiative, and the Resources Conservation and Development Program.

Nutrition. Without \$1 billion, we may not be able to restore funding for the Commodities Supplemental Food Program. We may have to cut WIC administrative grants to States.

The increases needed and provided in this bill are not based on the belief that we should just throw money at the challenges that we face. The modest increases are about meeting the Federal Government's obligation.

I oppose the gentleman's amendment.

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

Mr. JORDAN of Ohio. I appreciate the Chair of the subcommittee and her work. But, frankly, the other side has got to get a new playbook. Every time we do this, they talk about devastating cuts and how it's going to ruin this, the sky is going to fall, the world is going to end, everything's going to go to, you know. They always use that. It's not

even a cut. We're going to spend what we spent last year.

And just let me ask the question of the American people: Do you think, instead of spending \$18.8 billion, do you think government can get along with spending \$17.7 billion? We made it last year on that; didn't seem to be too much to ask before. We always hear it is a devastating cut when it's not even a cut.

Mr. Chairman, could I inquire as to the amount of time that we have remaining on each side.

The Acting CHAIRMAN. Both sides have 2½ minutes remaining.

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

Ms. DELAURO. I would just concur that I think what we need to do is to look at core programs. Whether it is at the USDA or at the FDA, the gentleman's amendment would force all of these agencies that cover rural development, and I laid out the programs. Again, if you take a look at the demographics of rural America and their needs, which have to do with water and conservation and transportation and broadband and housing, by the very nature of your amendment, we've cut \$1 billion from all those very, very critically important programs that are meeting the needs today of rural America in an effort that they may be able to re-energize and revitalize their communities, put together the kinds of community institutions that will help people in rural America to be able to thrive. They have taken a terrible blow in wages and in globalization. And what you would do with your amendment is just snatch that money from these kinds of efforts.

And I will just say this to you: quite honestly, what we've tried to do is, because the administration, and I'm presuming that this is something that you support along with the administration, is to say to rural America, You're on your own. If you don't have it, forget about it, we're not going to be there to help you. Government has a responsibility, a moral responsibility, to engage when people are facing challenges in their lives.

I believe everyone in this Chamber on both sides of the aisle would concur on what we are seeing happening in rural America and what is happening to the economic stability of this area and of these communities and of these individuals. It's not statistics; it's people. It's people's lives; it's people's abilities to have health care, to take their kids to school, to be able to afford education and transportation costs. Why would you want to take that away?

Why would you want to decimate nutrition programs when 40 percent of children in rural America are dependent upon food stamps? Why would you want to say no to nutrition when one out of eight families with an infant in this Nation is food insecure?

Let me tell you what food insecure means. It means they're hungry. They're hungry in the richest country

in the world; and that is wrong, which is why your amendment really should be defeated, and it makes no sense.

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to address their remarks to the Chair.

Mr. JORDAN of Ohio. Before yielding to my friend from Georgia, let me say this: the lady used the term "take away." For the umpteenth time, we're not taking away anything. We want to spend what we spent last year. The reason we don't want to increase spending is because everybody knows, the American people know this, when you increase spending and spend and spend and spend, it leads to tax and tax and tax. And that's what hurts those same families the gentlelady was talking about.

When you take more of their money, money that they could invest in their kids, pay for their kids' education, pay for that vacation they want to take as a family, all kinds of things they want to spend it on, when you take that away from them, that's what really taking away from families is all about. That's what we want to stop.

With that, Mr. Chairman, I yield to the ranking member, my good friend from Georgia (Mr. KINGSTON), for the remainder of our time.

Mr. KINGSTON. I thank the gentleman from Ohio for yielding.

I want to say that I support this for two reasons. Number one, this bill will be vetoed by the President should it make it through the United States Senate, which is doubtful to begin with, but that's nothing we can control over here. But we know the President has sent out a veto message that the spending level is too high.

We have debated this in committee before. I offered a similar amendment that failed. But I think we need to be realistic. The bill that we're spending tonight is not realistic.

Number two, I want to point out something. This is actually not a 5.5 percent cut because it's not an \$18 billion bill. It's really a \$90 billion bill. However, because of what I would call negligence on the part of the House, practiced by Republicans and Democrats over the years, we have decided to put about three-quarters of this bill on automatic spending. We call it mandatory. Now, nothing is mandatory when you make the laws. Nothing is mandatory. So it's kind of lazy. It's just sort of "spend as is."

And my friend from Connecticut has said that the gentleman from Ohio's amendment would actually take the nutrition and food programs away from children, yet most of them fall into this red category, which isn't even touched by his amendment.

His amendment is actually very conservative. It only affects about the \$18 billion portion of this bill. And again, that's not where most of these food programs are, these critical programs.

Now, I'm a believer that we should be debating both the red and the yellow portions of this bill and look at it realistically because this is a \$90 billion bill, and the 5.5 percent only affects \$18 billion.

And with that, I want to say that's why I think that it is important for us to always look into the authorizing side of a spending bill and the discretionary side.

I do support the amendment. And we have had this amendment, a similar amendment, in committee already. My friends on the committee have known my position on this.

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

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

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 110-290.

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 Offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to the Auburn University for the Catfish Pathogen Genomic Project, Auburn, AL.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by \$878,046.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, it's my intent to offer a number of earmark limitation amendments to the FY 2008 Agriculture appropriation bill.

In offering these earmark limitation amendments, I hope that my colleagues will join me in finally grabbing the reins on runaway earmark spending, and if you will pardon the pun, plant the seed of fiscal discipline in the appropriation process.

In its present form, this bill is under veto threat because it jumps the rails of the President's plan to have a balanced budget by 2012 by close to \$1 billion. Part of the \$1 billion increase in spending over last year's levels is caused by over 400 earmarks in the bill worth over \$300 million that direct taxpayer dollars to congressionally selected projects.

□ 2015

As my colleagues have heard me say a few too many times, I am sure, passing appropriation bills that contain hundreds of earmarks worth millions of dollars that are simply noted by phrases in the committee report shortchanges the legislative process of authorization, appropriation and oversight. The earmarking process is fraught with a lack of transparency, fiscal responsibility and equity for taxpayers, all too often rewarding the districts of powerful Members of Congress in the Appropriations Committee at the expense of the rest of the body.

Let me just note that, according to a review of the bill in a report by Taxpayers for Common Sense, members of the Agriculture Appropriations Subcommittee and party leadership, who make up 5 percent of the House, will take home one-third of the dollar value of agricultural earmarks, nearly \$100 million.

If you assume that earmarks with multiple sponsors are shared equally, members of the Agriculture Appropriations Subcommittee and party leadership will send an average of about 4 million earmarked dollars back to their districts.

In contrast, if you look at the remaining earmarked funds and distribute them evenly over the remaining 400-plus House districts, at best they would value slightly less than \$500,000. As I have said repeatedly, we are creating winners and losers here.

I'm usually referring to industries that are refunded by the earmarks. But it is true also here in Congress, if you are a seasoned Member in a position of influence, you typically get a lot more. It is simply not right for all the high-minded purpose we give to the contemporary practice of earmarks, talking about Article 1 of the Constitution and the authority it gives us, to then turn around and the leadership and the members of the Appropriations Subcommittee that control the bill get so much more than anyone else. It hardly seems fair. It hardly seems right.

In particular, this amendment would prohibit \$878,046 in Federal funds from being used for catfish genome research in Auburn, Alabama, and would reduce the cost of the bill by a commensurate amount. I think that this is definitely one earmark that the taxpayers would love to throw back.

According to the earmark description in the certification letter, the funding would go to Auburn University "to help continue important research into the genomic behavior of catfish in order to resist and cope with virulent disease strains." It appears to me that the earmark is intended to make a genetic map of catfish.

Mr. Chairman, there are so many earmarks in this bill related to genetic research, I feel I am on some kind of farm-based CSI episode. Unfortunately, this isn't a creative drama. This spending is far too real. This seems to be a perennial earmark. It has received over

\$1 million in the last 3 fiscal years alone.

Where is the Federal nexus here? Why are we funding catfish research and not trout research? What about sunfish out there? Don't they deserve something? How do we choose here? How do we choose which university gets the funding? It is simply an arbitrary process based on your position on a committee or in the Congress.

Mr. Chairman, that seems wrong to me.

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

Mr. ROGERS of Alabama. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to first start by yielding 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

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

Mr. Chairman, every year, the administration has castigated the Congress for funding these items. In fiscal year 2007, in the continuing resolution, we left the decision up to the administration. In order to decide what to do, the administration conducted an extensive review of all of the "earmarks" in the Agriculture Research Service account. Do you know what? They decided that the vast, overwhelming proportion of the earmarks were worth funding. This one on catfish genomics was approved by the administration. It may have a funny name, but it makes a good sound bite.

I am sure that the members of each party that requested this funding can tell the House a lot about the importance of the catfish industry to their State and the economic losses from the disease in a very serious way.

We also have recently witnessed what is happening with imported product in terms of catfish from China and, in fact, what that has done to that market in these communities.

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

Mr. ROGERS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Arizona for bringing attention to this vitally important research being conducted at Auburn University, an outstanding university in my district.

As my colleagues from Alabama know, and specifically my friend and colleague, Mr. DAVIS from the Seventh District, Auburn University is the home to USDA Aquatic Animal Health Research Laboratory. This laboratory conducts important research to help solve challenges in aquaculture that diminish productivity, lower the quality of catfish products, and hurt the long-term health of our domestic producers.

As my colleagues on the Agriculture Committee know, catfish is the leading aquaculture industry in the United

States. In 2005, according to USDA, domestic producers sold 650 million pounds of catfish valued at \$460 million. That total is only expected to grow. Today, catfish production has become one of the most important agricultural activities in States such as Mississippi, Arkansas, Louisiana and, of course, my home State of Alabama.

In recent years, the American catfish industry has been faced with intense competition from foreign producers, specifically countries like China and Vietnam. This not only poses serious challenges to our economy but, as we have seen in recent news reports about tainted Chinese food products, also to our health. In 2005, Alabama, Louisiana and Mississippi banned Vietnamese catfish after U.S. health officials detected a banned antibiotic in Vietnamese imports. That ban remains in effect. In May of this year, Alabama banned Chinese catfish over the same concern.

As with many agricultural imports, we have no control over what drugs these foreign countries are giving to their catfish, nor do we know what diseases they are trying to prevent. But one thing we do know is that we do not want these products, these diseases and those threats to our food and our health in our country.

That is why the funding included in this bill for the Catfish Pathogen Genomic Project is so important. It helps protect the safety and health of our food supply, it helps protect and strengthen important American products and an industry critical to the economics of several States, and it helps carry on the tradition of university based research supported by the Federal Government that benefits our economy and society.

Mr. Chairman, I strongly oppose the gentleman's amendment and ask the support of my colleagues for this important research program.

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

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Arizona has 1 minute. The gentleman from Alabama has 90 seconds.

Mr. FLAKE. Let me just say there is over at the Department of Agriculture something called the Agricultural Research Service, or ARS, account, and it is being funded at over \$1 billion for fiscal year 2008. Now, we may not like the programs they choose to fund. If we don't like it and we don't think they have a good process, we should exercise the oversight that we are supposed to exercise and change it. But to circumvent that process and say because you may not have given us a grant in one particular year then we are simply going to go around you and earmark, that simply seems wrong.

We are getting away from the authorization, appropriation, oversight program and process that has been the hallmark of this Congress forever. With

earmarking, the contemporary process of earmarking, we are circumventing that and we do very little oversight of the Federal agencies, because we are seeking to compete with them.

We set up a program over there and we say you have a merit-based program, a competitive grant program, and then, when they don't choose what we want to, we circumvent it.

Mr. ROGERS of Alabama. Mr. Chairman, I yield 1 minute to my friend and colleague from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I just want to stand in defense of the subcommittee and its work. We tried to be as responsive to members on this committee as possible, given that many members of the committee do not understand the specific details of every congressional district. But this is what Congressman ARTUR DAVIS had to say:

"Auburn University is seeking funding to continue research on endemic and emerging pathogens of catfish. Because the prevalence of catfish diseases constitutes \$90-100 million in annual losses for catfish farmers, it is important to prevent these diseases to ensure a healthy national food supply and a successful economic development activity. This funding will allow Auburn University to conduct outreach to farmers and ensure that these vaccines make it into the field to protect the food supply of the American people. Earlier research from this project has already led to the commercialization of two vaccines that are now helping in the reduction of these disease losses."

Mr. Chairman, I want to thank Mr. ROGERS, and I also want to thank Congressman ARTUR DAVIS for looking out for the interests of this vital industry in their State. The committee did its work and honored their request. We should vote down the gentleman's amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I would like to close by saying to my friend from Arizona, I share his concerns over some of our fiscal behavior in this Congress in recent years, but clearly this kind of USDA research university partnership is exactly what we should be fostering, given our concerns in this country about our food supply and its safety.

Mr. JACKSON did make reference to the fact that, in 2003, half of our catfish production was being affected by two diseases that this partnership has now alleviated. We can continue to ensure that supply is safe with this kind of expenditure.

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

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

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

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

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in part B of House Report 110-290.

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 No. 9 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available to Cornell University for Grape Genetics research, Geneva, NY.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Agricultural Research Service—Salaries and Expenses" is hereby reduced by \$628,843.

The Acting CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would eliminate \$628,843 for the Grape Genetics Program at Cornell University and reduce the cost of the bill by a corresponding amount.

Mr. Chairman, it would seem that Congress is a one-stop shop for the wine industry. There is in this bill here \$628,843 earmarked for the Grape Genetics Program, as mentioned, in addition to a \$2.6 million earmark to actually construct the Center for Grape Genetics.

The earmark description in the certification letter submitted to the committee by the sponsor of the earmark informs us that this earmark would fund a full-time grape geneticist at the Grape Genetics Research Unit and support the viability of the grape and wine industry.

Now, according to some, the wine industry faces a growing demand for new technologies and varieties in order to be a player in the global marketplace. I don't doubt that at all. I don't deny that research and development is important to the wine and grape industry. I simply question why the Federal Government is expected to foot the bill for a private industry.

According to recent reports, direct sales of wine to consumers are up 30 percent this year. Let me repeat that. Direct sales of wine to consumers are up 30 percent this year.

According to a study unveiled by the Congressional Wine Caucus earlier this year, the U.S. wine, grape and grape products industry contributes more than \$160 billion annually to the U.S. economy, \$160 billion annually.

This study indicated that the industry supports more than 1 million full-time equivalent positions and that

there are more than 900,000 grape-bearing acres in the U.S. In addition, according to the 2006 report by the USDA, New York has 239 wineries currently, as opposed to 17 in 1976. I would submit that this looks like an industry that is thriving.

If the Federal Government is going to support genetic research for one industry, why doesn't the Federal Government provide support for all of them? What mechanism is there to stop Congress from funding mold research on gourmet cheese, or soil research for truffle farming? Where does it stop? Where is the Federal nexus here? Why do we continue to fund these profitable industries?

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

Mr. WALSH of New York. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. WALSH of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I thank the gentleman for offering this amendment because, if nothing else, it points out the essentially beneficial nature of public-private partnerships. Just as the Federal Government paid for the marvelous water projects in the West which helped Mr. FLAKE's State to grow and prosper, these research dollars have made the United States the global power in agriculture.

The Agriculture Research Service established the Grape Genetics Research Unit in Geneva, New York, at the center of New York's grape-growing region in conjunction with Cornell University.

□ 2030

The goals of this program are to reduce losses to crop yield and quality that result from disease, pests and environmental stress, and to improve grape and grape product quality and utilization.

The genetic research unit's primary research areas are development of resistance to pests and diseases, superior adaptation of grapes to growing conditions and tolerances for environmental and weather-related stress, and improved product quality through enhanced knowledge of genetic factors governing color, flavor, aroma, sensory characteristics and yield.

The grape genetics research unit works with growers both in New York and nationally to develop root stocks and grape varieties that are pest and disease resistant.

The explosive growth that my friend from Arizona mentioned is a direct result of the research that is being done here and elsewhere in the United States thanks to the support of the American taxpayer. The plant genetic research unit in Geneva works very closely with farmers in all parts of the country. In fact, 1,200 varieties of grapes are growing at the Geneva ag station today.

Nationally, it is a \$30 billion industry, the wine industry. There are 23,000

growers; 5,000 wineries; and in New York State, it is a \$7 billion industry. This industry is paying back to the Federal Government, the State and communities \$17 billion in taxes.

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

Mr. FLAKE. Mr. Chairman, let me just say, nobody questions the validity or the importance of research. Every industry needs to do it, and do a lot of it. But we have a lot of high-tech industries that are vital to this country. Why aren't we funding a company like Intel, for example, for issues related to testing of circuit boards? That is important. They face international competition.

Why do we say all right here, only we are going to fund grape research? Also, when we have a program over at the Department of Agriculture that we fund to the tune of a billion dollars this year to actually provide grants in this area, and still it is not enough. Still we say we have to earmark funds to go around that process. It seems like overkill, and I think the taxpayer deserves a break here at some point.

Mr. WALSH of New York. Mr. Chairman, I yield 1½ minutes to my friend and colleague from Utica, New York, in whose district Geneva resides, Mr. ARCURI.

Mr. ARCURI. I thank my colleague from New York, and I thank the distinguished chairwoman from Connecticut.

Mr. Chairman, I have only been here for 7 months, but in that short time it has become overwhelmingly clear to me that some of my colleagues are more concerned with establishing a reputation than addressing the needs of the American people.

Over and over, some of these colleagues from the other side of the aisle march down to the floor and take aim at appropriations projects that they feel aren't worthy of Federal support, as if people at one end of the country know what is important for people on the other end of the country.

I hear them talk about these earmarks and try to demonize them, talk about them being hidden and going to powerful Members of Congress. Well, there is nothing hidden about this. It is very clear what this project is. And as for powerful Members of Congress, I would like to be impressed, but I know as a freshman I am certainly not a powerful Member of Congress.

There are no winners or losers here. They talk about winners or losers here. The only winners are the American people. This program is for the American people. It is to ensure that our grapes and our wines that are so important to so many people in this country continue to be high quality and the kind of quality that makes America competitive.

The benefit of this project is not limited to my congressional district, but to people all over the country. Mr. Chairman, it is not about making a point or establishing a reputation; it is about conducting important research

that protects the safety of our food supply, helps our domestic economy and the grape industry.

Mr. FLAKE. Mr. Chairman, let me just say to close, again, research is important in every industry, but there are industries all over the country in agriculture, in high tech, in storage, in transportation, you name it. It is going on all over, and not everyone is looking to the Federal Government to pay their research costs.

Why here? Why do we have an organization that gets earmarks virtually every year for the same thing over and over and over again? When does the taxpayer get a break? When is this industry weaned?

We just had a farm bill pass last week with subsidies going on and on and on. Here are more agricultural subsidies. I don't know where it stops, particularly with the deficit we have, the ongoing debt that we carry. It is time to give the taxpayers a break. I urge adoption of the amendment.

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

Mr. WALSH of New York. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to my dear friend and colleague for providing me with this time to say a couple of things in opposition to this amendment. I think the person who is proposing this amendment simply does not understand what is being done here.

The agricultural industry is a very important part of the economy of New York State, one of the most essential parts of the economy of New York State. The grape industry is an important part of the agricultural industry. This Grape Genetics Research Center, which has been established as a result of legislation which was put forward by Mr. WALSH and myself and others in 2005, is an important part of the way grape production is advancing in the United States and becoming a more important part of American agriculture. It is providing jobs for our citizens, and it is providing more and more economic growth in a number of parts of our country all across our country.

It enables grape growers to deal with the cold winters in the Northeast and enables grape growers to deal with the arid circumstances that they confront in certain parts of southern California and the other forms of diverse issues that need to be dealt with by grape growers in many places across the country.

This means of searching into this industry and providing better ways of doing it is an important part in the way in which we are protecting and growing our agricultural economy.

I would hope that the offeror of this amendment would spend a few moments to look more closely at these circumstances, because I think if he does, he might begin to understand the value of agriculture and the value of this kind of genetics research.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in part B of House Report 110-290.

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 No. 10 offered by Mr. FLAKE:

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

SEC. . . . (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Alternative Uses for Tobacco, Maryland grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for “Cooperative State Research, Education, and Extension Service—Research and Education Activities” (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by \$400,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$400,000 in Federal funds from being used for alternative uses for tobacco in Maryland and reduces the cost of the bill by a consistent amount.

I would suggest to my colleagues that we can find some better alternative uses for the taxpayers' money, like paying down the national debt, for example.

In fact, just yesterday, Treasury Secretary Paulson predicted that the Treasury will reach the nearly \$9 trillion statutory debt limit in early October. I would argue that this is a sign that we need to spend less on appropriation bills just like this one.

The certification letter submitted to the Appropriations Committee stated that the funding will go to the University of Maryland College of Agriculture and Natural Resources for the Alternative Uses of Tobacco Research Project.

The funding for this earmark is through the Cooperative State Research, Education, and Extension Service Special Research Grants account, which are congressionally directed and noncompetitive research earmarks.

The Alternative Uses of Tobacco Research Project is focused on finding new, nonsmoking uses for tobacco, such as pharmaceutical or biotechnology applications.

I am not denying that there aren't potential benefits for this research for the tobacco industry, for pharmaceutical industry, or for other biotechnology industries, but how long is the taxpayer going to be expected to fund specific research for the benefit of these industries?

This is not a new earmark. In fact, the project has received earmarks of between \$320,000 and \$400,000 each year since fiscal year 2002. Including this earmark, the University of Maryland will have received over \$2 million in Federal earmarks for their alternative use project.

Why are we singling out this program and this school and earmarking funds for it year after year after year? What makes this program at the University of Maryland more deserving than Federal funds at other schools or organizations in Virginia, Tennessee, Arizona, California or elsewhere around the country? There are many other earmark projects that we are funding at the University of Maryland as well.

According to research done by Citizens Against Government Waste, from 2001 to 2006, the University of Maryland received just under \$17 million in Federal earmarks. I think it is interesting to note in 2006 the University of Maryland paid lobbying firms more than \$200,000 for various lobbying activities. Are these lobbyists lobbying Congress for additional earmarks?

When do we say enough is enough? When the smoke clears, the taxpayers are still being asked to fund tobacco research.

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

Mr. HOYER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Maryland is recognized for 5 minutes.

Mr. HOYER. My friend from Arizona is having a good time. I don't blame him, but this is something that is good for the country. It is good for literally millions of people who have grown tobacco.

Let me say to my friend from Arizona: A, I don't smoke; B, I have never smoked. And when redistricting occurred and I got most of the tobacco-growing areas of Maryland, I went down and met with the Farm Bureau. I said, Look, I'm new to you. You don't know me. Actually, they did know me because I had been in office for some time. But I said, I want to tell you something right out front; I think smoking is bad for people's health, and I am not for it.

About eight of the 10 to 15 tobacco farmers that were there said to me after the meeting, they came up to me and said, You know what, we don't smoke and we don't want our kids to smoke.

That aside, Maryland has had one of the most successful tobacco buyout programs in America. In my district, the tobacco-growing area of Maryland, 90-plus percent, almost 95 percent of

the farmers have taken the buyout, which means they can no longer ever on the property they own have tobacco grown for the purposes of smoking tobacco.

There were literally, as you can imagine, hundreds, and across the country there are thousands and thousands of farmers so situated, families who have been involved in this process for most of their lives and who produce a product, used alternatively, can have extraordinary value. But the problem is the research has not been done on it. Why has it not been done on it? Because the tobacco product was a very valuable product for a bad purpose; that is, smoking. Harmful to health and a destroyer of life.

Very frankly, some of the Farm Bureau came to me and said, Do you think we can find an alternative use, because we have a lot of expertise in growing this product, and we have facilities to do so. We think it can have some beneficial effect. My good friend said he thought that was the case. He is correct. There are a lot of good things in life that can happen, and his proposition is why this money, why here?

Well, because I represent my district. But I also believe this has national implications that if we can get a product from tobacco that is useful, and I want to discuss some of them, that will be good for our country, good for our economy, good for jobs, and good for people who have been displaced from the very lucrative but harmful vocation and who are now put to perhaps not having nearly the livelihood they expected to have.

The amendment seeks to eliminate funding for an important research project being undertaken at the University of Maryland. One of America's extraordinary research institutions, a land grant college established in the mid part of the 19th century, it seeks to develop safe and beneficial non-smoking uses for tobacco.

The Alternative Uses of Tobacco Project has several very important objectives. First, we are seeking to take advantage of the many beneficial non-smoking uses of tobacco. Most people would not think of the tobacco plant as having a use beyond smoking. They would be wrong. I didn't know that either, frankly.

Tobacco naturally produces high-nutrition proteins, one of the highest of any product, industrial raw materials and large amounts of biomass which can be used for renewable energy. Think of it. We talk about corn, we talk about other things, and we want to talk about cellulosic to produce energy. We just passed a farm bill seeking to do that. Think if all of the tobacco farms in America could be turned into energy producers, an extraordinarily positive contribution to the economy of our country.

□ 2045

Secondly, we're trying to revitalize tobacco-producing communities across

the southeastern United States by shifting their focus away from the traditional use of the crop and generating new markets and new industries for beneficial new nonsmoking purposes.

Unlike Maryland, the Federal buyout, as you know, didn't eliminate the growing of tobacco; and in many States that have buyout programs they didn't eliminate the use of tobacco for smoking purposes. Maryland did. So that if we could give alternative uses for a product and get it out of the sale of use for smoking products, what a health benefit that would be for America.

So I suggest that this \$400,000 is an extraordinarily good investment in health care, in the economy for our people.

Third, we are attempting to develop new technologies for producing leaf proteins. Leaf proteins are as nutritious as milk protein, but, unlike other protein sources, they are generally nonallergenic. Tobacco may be the largest producer of leaf proteins of any agricultural crop, but its historically inadequate processing technologies have limited their development.

Now, let me tell you something. The tobacco companies do not grow tobacco. They sell cigarettes. So they do not have an incentive to do this. The people who have an incentive to do it are the tobacco farmers, but, guess what, the tobacco farmers don't have a lot of money. It's the tobacco companies that have a lot of money.

So the tobacco companies rely on, I'm sure in your State as they do in mine, land grant institutions who have focused on agricultural research, as does the University of Maryland, as does the Beltsville Agricultural Research Center.

So I have some other things to say, but I think you get the point.

Mr. FLAKE is a friend of mine. I have great respect for Mr. FLAKE. Not only that, I think he offers his amendments in a very positive way. I've never seen him get mad at anybody. I've never seen him criticize anybody. I've never seen him say a cross word to anybody. He sets forth what is a correct proposition, that, look, we could save a lot of money by not having any of these earmarks and we wouldn't do this research or maybe the State could do it or maybe somehow the farmers could get together in a cooperative and do it. But they haven't done it and the Federal Government has historically invested in long-term progress.

Now, very frankly, the best example is the space program. The space program has made an extraordinary contribution in the creation of jobs outside of the space program, and agricultural research colleges have done the same for farming and feeding the world. We honored with a gold medal a university professor who fed the world, billions.

So I ask my friends, this is \$400,000. We will spend \$400,000 in Baghdad in the next hour or so. I don't know what

the Citizens Against Government Waste think of that, and I frankly don't think they think of this particular item. I understand that. They think generally we ought to stop wasting government money. I agree absolutely.

And if you think research in a product to turn it to pharmaceutical use, if you think that research in a product to turn it to better energy production, if you think research in a product that may be available to give us better protein production, then I think, my friends, Mr. OBEY has said, we get the point. So I say this, and I'm laughing, this is a serious investment in good things for all people.

I hope that, notwithstanding the fact that he is my friend, that you will reject the gentleman's amendment, and I thank you for the time.

Mr. FLAKE. Mr. Chairman, I have great respect for the gentleman from Maryland, and I appreciate the tone which this debate has been conducted in.

I heard some new things here that I didn't know before. This was a Maryland-initiated buyout for the tobacco industry, a buyout which limited the uses of tobacco afterwards. That's great. It should probably be the State of Maryland that funds this kind of research then, instead of the Federal Government.

Another thing I heard that I hadn't heard before is I guess we are moving toward tobacco-based ethanol or something of some such. My old car smokes enough, thank you. I'm not sure that's the way to go, but, in any event, there are limits to what you can do. The truth is you can make ethanol out of an old boot if you expend enough energy doing it, but it doesn't mean that we ought to fund research again and again, over and over and over. There are limits to what the taxpayer ought to do.

And let me just say, given that, I mean, we imposed another tax on tobacco just a day ago, and I think there are plenty of incentives there within the industry, be it the growing side or be it on the marketing side or whatever, to find alternative uses for tobacco. I think it ought to be left with them and not the Federal taxpayer.

Mr. Chairman, I yield back my time.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110-290.

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 No. 11 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Ruminant Nutrition Consortium (MT, ND, SD, WY) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for “Cooperative State Research, Education, and Extension Service—Research and Education Activities” (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by \$489,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I rise to prohibit funding for an earmark for the Ruminant Nutrition Consortium. This earmark would provide \$489,000 for ruminant livestock production research, rangeland integration and other livestock resources.

A press release issued from this earmark in a previous year described it as an effort in the northern plains to further develop beef, dairy and sheep finish-feeding, which may lead to more jobs and more value-added agriculture.

Mr. Chairman, I know a little about cattle nutrition. I spent a lot of years on a ranch and a farm; and, in fact, I spent years on what we call bloat watch, where we'd sit at the edge of a field and have to watch while cattle, being the type of ruminant digestive system that they have, might bloat. And you'd have to run and stab the left side and hopefully relieve the suffering and relieve the certain death that comes.

I think this is an effort to relieve a little bloat that is here in this Agricultural appropriation bill and certainly in this budget.

There is simply no reason we should continue to fund research like this when we have, as mentioned already many times tonight, we have an account over at the Department of Agriculture that is for this purpose to disperse research dollars based on competition, where there are groups that are out there will compete for grants. We've told the Department of Agriculture to set up that program, and here we're saying it's not good enough. We're going to have that program; and then, in addition, we're going to give what essentially is a sole-source contract, single bidder. One university or one entity will get this earmark grant.

So it's simply not right.

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

Ms. HERSETH SANDLIN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman from South Dakota is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Mr. Chairman, let me say at the outset, the gentleman from Arizona said this is a sole-source contract to one entity and we already have an entity in USDA an agency that would make these grants based on competition.

This is not a sole-source contract. Four universities are involved in the consortium, and it's a competitive-based program.

So my colleague from Arizona's attempting to strike from the bill an extremely modest amount of funding for an outstanding program that's provided tremendous benefits to ranch families in one of the most remote and economically challenged corners of the United States.

The economy of this area of the country, western North and South Dakota and eastern Wyoming and Montana, is probably more dependent on animal agriculture than any other region of the country. It's beautiful rangeland and beautiful country, for that matter, but it isn't suitable to grow much other than grass.

We have dozens of small, rural communities in that area that rely almost completely on the ability of ranchers to raise cattle and sheep and bison; and I consider them to be among the best livestock producers in the country, given the climate they have to contend with as well.

This modest program, again funded at \$489,000 in this year's bill, is a model of what we should be trying to fund in our appropriations bills. This program stretches a few dollars a very long way. It targets its efforts on addressing specific needs. The results of the program benefit all regions of the country and its collaborative effort among four highly respected universities: South Dakota State University, North Dakota State University, the University of Wyoming and Montana State University.

By distributing grants through a competitive awards process, let me repeat, the program is competitively awarded, the consortium promotes interstate cooperation and collaboration among ranchers, farmers, scientists and educators. Research addresses subject areas that are identified as needs by producers living in the target region, which means results are directly applicable to those producers; and I'm proud of my efforts to secure funding for this program.

Research funded by this consortium is developing new methods to add value to common grain and forage crops through the use of ruminant livestock, again cattle, sheep and bison. The projects enhance economic return and positively impact the regional environment by integrating rangeland, annual crops, and livestock resources.

Like many, if not all, of my colleagues, I carefully vet the projects for which I request funding to ensure that the program requests that I make are effective, important, valuable projects. I'm proud to put my name on this

project and on the handful of other projects that I've supported in this bill. I know my State. I make every effort to know the needs of the farmers and ranchers I represent and ensure that we are spending their tax dollars wisely on programs that get results.

This is one of those programs, and I urge my colleagues to join me in supporting it and rejecting this amendment.

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

Mr. FLAKE. Mr. Chairman, let me just say that the gentlewoman mentioned that this is not a single-source contract or single-bid contract. I have the certification letter. It says I'm requesting funding for South Dakota State University in Brookings, South Dakota, to conduct research into production of environmental aspects of ruminant livestock production, et cetera, et cetera.

What used to be a competitive grant process is no longer with this earmark. We do have a competitive grant process at the Department of Agriculture. Now, this school may choose to have a competitive grant process beyond that, but we're using Federal dollars to give to one university to perhaps disburse among other universities.

If we don't like the process over at the Department of Agriculture, we should end it. We should say we're not going to fund that account anymore, that billion dollars we're giving you is not being disbursed equitably nor wisely. If we believe that, we should tell them. We'd save a lot of money and instead contract with others at the local level and just give it out.

But what we're doing here is we're funding both. We're having a process over there where a billion dollars is handed out competitively with some kind of process, merit-based process, and we're going around that and earmarking funds for specific institutions.

It simply seems wrong.

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

Ms. HERSETH SANDLIN. May I inquire how much time I have remaining?

The CHAIRMAN. The gentlewoman from South Dakota has 2 minutes remaining.

Ms. HERSETH SANDLIN. Mr. Chairman, I will yield the balance of the time to the gentleman from California, but let me just say, he can point to the certification letter, but this is a consortium. There is a lead university, but it's a consortium of four.

With that, I yield the balance of the time to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding.

None of this money comes to my State or the universities in California involved in this consortia, but the State of California and other States, including Mr. FLAKE's own, are very interested in the outcome of this. I will tell you why. Because the rangelands

of America are under great threat; and certainly in those rangelands in the rural areas, you raise cattle and sheep and bison, which we don't raise in our State.

But what this grant does, why you ought to be interested in it, is that they're learning new ways in which to graze. What they're doing is studying the effects of grazing herds of cattle, horses, sheep all together, because they eat different kinds of grass, and if you herd them essentially, move them on, you can preserve and bring back the native grasses, which is what we want to do.

Our cattlemen are very interested in this process, and this is the place to do that study. You get kind of a funny name for some of these things like this Ruminant Nutrition Consortium, but, in fact, it's a grant program. It is competitive, and the benefits of it are I think what keeps America strong. We've got to keep putting money into research dollars.

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You know, if this was medical research, you wouldn't be criticizing it, but it's agricultural research, and it sounds funny. But, you know, you didn't take on my earmark, which was about lettuce and germ plasma. That's a pretty funny one, but it's very important if you like lettuce and you want to keep America ahead in the lettuce world.

So striking these few earmarks, by your time, trying to do this, fortunately, I think you are a great Member and you get an A for effort; but you also get A for 100 percent failure in being able to strike earmarks, because these are good earmarks.

Mr. FLAKE. Mr. Chairman, well, I should say I haven't been very successful here. I have noted before I have been beaten like a rented mule here quite a bit. But I must say the majority of Democrats did join me in actually striking an earmark a couple of weeks ago, one Member, and I had the occasion just today of one earmark that I had planned to strike was stricken by the Member himself before I could strike it.

So there are occasions when the Appropriations Committee, for whatever reason, I sympathize with them. They simply don't have the time to vet all of these. I would suggest, when you have 410 earmarks in one bill like this, you simply don't have a lot of time to vet them.

I know a little bit about cattle ranching. As I mentioned, I grew up on a cattle ranch. The gentleman mentioned the process of moving cattle from one cell to another. Actually, we started doing that on the F-Bar some 30 years ago and are still doing it to some extent.

The gentlelady mentioned this is a consortium, four universities, I believe, getting these research dollars, but it's earmarked for that consortium. That consortium could apply to the Depart-

ment of Agriculture for universities like this. I suppose, cattle have four stomachs, four universities, only makes sense, but they can apply directly to the Department of Agriculture. They don't have to get earmark dollars.

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

Ms. HERSETH SANDLIN. Would the gentleman yield?

Mr. FLAKE. Is the gentlelady out of time?

The CHAIRMAN. The gentlewoman's time has expired.

The gentleman has 30 seconds remaining.

Mr. FLAKE. I yield 15 seconds to the gentlewoman.

Ms. HERSETH SANDLIN. I thank the gentleman.

Mr. Chairman, I too grew up on a farm. I have moved my share of cattle. We still have cattle on that farm, but it's in eastern South Dakota. It's not nearly as remote as the region that we are talking about. There are different types of grasses than the grasses we are talking about.

This is a consortium. I think it's very important we recognize the uniqueness of this particular area of the country.

Mr. FLAKE. I urge adoption of the amendment. We simply cannot afford everything. Let's give the taxpayer a break.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in part B of House Report 110-290.

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 No. 12 offered by Mr. FLAKE:

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

SEC. _____. (a) LIMITATION ON USE OF FUNDS.—None of the funds in this Act shall be available for the Wood Utilization (OR, MS, NC, MN, ME, MI, ID, TN, AK, WV) grant.

(b) CORRESPONDING REDUCTION OF FUNDS.—The amount otherwise provided by this Act for "Cooperative State Research, Education, and Extension Service—Research and Education Activities" (and the amount specified under such heading for special grants for agricultural research) are hereby reduced by \$6,371,000.

The CHAIRMAN. Pursuant to House Resolution 599, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$6,371,000 and reduce the cost of the bill by a commensurate amount from being used to research wood utilization.

This is the second year in a row I have stood to address this earmark. It seems that not much has changed in the past year of wood utilization research. The committee provided precisely the same amount of funding last year, \$6,371,000, for a variety of projects around the country that frankly seem designed to provide a solution in search of a problem.

This is another example of an earmark that has persisted for years that can only be terminated by Congress. The wood utilization program has received Federal funds since 1985 and has received more than \$90 million in appropriations.

The United States is the world's largest producer of lumber and wood products used in residential construction and in commercial wood products such as furniture and containers.

The United States is also a leader in the pulp and paper business, producing about 34 percent of the world's pulp and 29 percent of the world's output in paper and paper board. About 1.3 million people are directly employed in the planning, growing, managing, and harvesting of trees and the production of wood and paper products in all 50 States.

The forest industry ranks among the top 10 manufacturing employers in about 42 States with an annual payroll of about \$60 billion. This is an industry that dates back hundreds of years and has shown itself remarkably capable to adapt to change. It obviously continues to thrive today.

I sincerely question why the Federal Government needs to involve itself in a program that educates students about the utility of wood as a renewable resource.

What happened to the free market? What happened to common sense? I think we have had it out there for a while. After 1985, we have been doing this same earmark or this same program for the past several years, or it has been earmarked for the past several years. I would say it's time to reconsider the project.

I think the taxpayers may want to take us to the woodshed themselves for continuing to fund at a price of \$6,371,000 this same earmark year after year after year.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the Flake amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, the wood utilization consortium is made up of 10 universities in 10 different States around the country with varying missions.

I am familiar with the program mainly because of the involvement of North Carolina State University. NC State's contribution to the consortium is focused on wood machining and tooling. The programs help develop innovative production methods and use stronger, longer-lasting tools which are allowing U.S. manufacturers to maintain domestic production and compete in the global economy.

Such work is critical to support the U.S. furniture and lumber industries. North Carolina's furniture industry alone is estimated to contribute \$10 billion to the economy.

North Carolina State University's contribution to increased manufacturing efficiency and global competitiveness within this major industry represents only a small component of the wood utilization program. Continued funding is a wise national investment.

I urge defeat of the amendment.

Mr. Chairman, I yield 1½ minutes to my colleague from North Carolina, who represents the main campus of North Carolina State University (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank my friend for yielding.

Mr. Chairman, my friend from Arizona has already made a statement why this earmark ought to stay in here. It really is making a difference for the industry, and it's employing people. I rise in strong opposition to this amendment.

The funding for this wood utilization grant helps fund the Wood Machining and Tooling Research Program, as you have just heard. Part of it is really on the campus of NC State University, a land grant university. It has been matched more than dollar for dollar, every Federal dollar by private dollar.

This is not a giveaway program but, rather, one that has been designed to work to make the Southeastern furniture industry more competitive, as you have heard, in the global economy. This research program investigates and solves problems related to manufacturing tools used in the wood machining and manufacturing operations.

Other than Wood Machining and Tooling Research Program, there is no other Federal research program to support U.S. wood manufacturing and tooling companies who are competing with low-wage jobs on the other side of the world with other countries. It is only right to invest in the industries we have remaining in our rural parts of this country when outsourcing these industries overseas has hurt States all across America.

I strongly urge my colleagues to vote against this amendment.

Mr. PRICE of North Carolina. I yield 1 minute to our colleague from Maine (Mr. MICHAUD).

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

Mr. MICHAUD. Mr. Chairman, I want to give just one example why this investment is important to our Nation.

The Module Ballistic Protection System, developed at the University of Maine, is made of light, strong-as-metal wood composite panels that are inserted into tents to protect our soldiers over in Iraq and Afghanistan. This life-saving technology would not have been possible without the initial investment from the wood utilization funding.

In fact, this funding spurred advances in many different industries. It creates jobs and, in some cases, it will save American lives. This funding benefits the entire Nation.

I urge the rejection of the gentleman's amendment.

I rise in strong opposition to the gentleman from Arizona's amendment.

Investment in Wood Utilization Research at these locations including the University of Maine supports education and economic development across our country.

The funding encourages students to pursue careers in advanced wood science and engineering at a time when international competition in these fields is growing. This type of research is important to a growing number of industrial applications and to our national economy.

At U-Maine, every dollar appropriated to the Center generates an additional \$7 in economic output. The research has promoted important advances in fields as diverse and important as biofuels and advanced wood composites.

I want to highlight one program in particular that was born from this funding. The Modular Ballistic Protection System, developed at the U-Maine Advanced Engineered Wood Composites Center, is a series of lightweight, strong-as-metal, wood composite panels that are inserted into tents to protect our soldiers from mortars and other incoming fire in Iraq and Afghanistan. This lifesaving technology would not have been possible without the initial investment from the Wood Utilization funding.

I appreciate the gentleman's intent but I believe it is misguided. In offering these kinds of amendments, the gentleman has frequently asked: what is the federal interest?

Well, in this case, it is clear. This is a project with national implications that helps our competitiveness, our industries, and our national defense. It is an investment that the federal government should be making so that America can lead the way in a variety of important R&D fields, create jobs, and in some cases, save American lives.

We do not pick any winners and losers here with this project—in fact, we all win with this research. So I urge the rejection of the gentleman's amendment.

Mr. PRICE of North Carolina. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from North Carolina has 1½ minutes remaining.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 45 seconds to my colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I agree with what my colleagues have said previously. I would take it from a slightly different angle. We are concerned about value added to American forest products.

I have watched in the Northwest the development of wood utilization research to deal with plywood and particle wood that are formaldehyde-free. It enables us to be able to provide a superior environmental product, adds greater value, protects the public and competes against foreign products where they are cutting corners. It wouldn't be possible without this type of partnership, from an environmental perspective, from an economic perspective, from a research perspective. I strongly urge rejection and look at that and suggest people look at how the \$6 million has been spent in the past.

Mr. PRICE of North Carolina. I thank the gentleman for this most persuasive argument.

Mr. Chairman, I yield 45 seconds to our colleague from Maine (Mr. ALLEN).

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

Research funded by this program has provided blast-proof wood hybrid materials to the Coast Guard and the Army to strengthen their facilities. In fact, some wood composites engineered by the University of Maine and developed by research conducted under this grant program are being used by the Army Corps of Engineers in Iraq, Afghanistan and worldwide.

This funding will allow the University of Maine to continue its strong support of traditional wood products production and enhance the competitiveness of our domestic industry.

I strongly oppose this amendment, and I would add simply that I don't know of any program that spins off more small businesses than this wood composite program at the University of Maine.

Mr. PRICE of North Carolina. Mr. Chairman, we yield back the balance of our time.

Mr. FLAKE. Mr. Chairman, nobody here is questioning the need for research. Every industry does it. Every industry has to do it to survive because of competition.

What I question here is why the taxpayer is spending \$6 million every year on this same earmark for a \$60 billion industry. This money goes to universities all over the country, so does research money from paper companies that are in the department next door.

There is research being funded. This is a pittance compared to the other research dollars that are being spent.

Thank goodness, private industry knows that they have to do it. But why does a taxpayer have to be on the hook again and again and again year after year after year for this same earmark for wood utilization?

Mr. ROGERS of Michigan. Mr. Chairman, I rise today in strong opposition to the gentleman from Arizona's amendment to cut funding for the USDA grant for Wood Utilization Research.

For the past 15 years, Michigan State University and other universities have used grants for Wood Utilization Research to strengthen and improve the United States wood product

industry. Jointly, these universities have addressed major problems in all of the forest regions of the United States. This collaboration has provided important advances that have helped to make our wood product industry more competitive around the globe, and our forests healthier here at home. Specifically, grant funding has been used to expand sustainable, environmentally sound forest practices and develop renewable wood-based materials.

The United States wood products industry is fragmented and composed of many small firms whose only access to advanced technology is through government or university laboratories. A major benefit of the USDA Wood Utilization grant has been the flexibility of universities to rapidly respond to critical regional or national research needs. In addition, the availability of grant funding has leveraged additional funds from state and private sources.

Michigan State University, located in Michigan's 8th District, continues to be a leader in this vital research. Today, they are performing research on wood materials that will shape the future of this industry for years to come. Projects include the conversion of wood residuals into biofuels, the development of environmentally safe preservative systems to lengthen the life of wood products (thus lessening the demand for harvest), the creation of

wood materials that can substitute petroleum-based plastics, and the utilization of trees killed by emerald ash borer. Many of these projects will help reduce our nation's dependence on foreign sources of petroleum, create manufacturing and research jobs, and further strengthen our wood product industry.

Mr. Chairman, this research grant is critically important not only for Michigan State University and my district, but clearly for the United States wood product industry and our national energy needs. I thank the Committee for funding the grant, and I urge my colleagues to oppose this dangerous amendment.

Mr. FLAKE. Mr. Chairman, I yield back the balance of my time and urge adoption of the amendment.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now

resume on those amendments printed in part B of House Report 110-290 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. SESSIONS of Texas.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 4 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mr. KINGSTON of Georgia.

Amendment No. 6 by Mr. KINGSTON of Georgia.

Amendment No. 7 by Mr. JORDAN of Ohio.

Amendment No. 8 by Mr. FLAKE of Arizona.

Amendment No. 9 by Mr. FLAKE of Arizona.

Amendment No. 10 by Mr. FLAKE of Arizona.

Amendment No. 11 by Mr. FLAKE of Arizona.

Amendment No. 12 by Mr. FLAKE of Arizona.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 2-minute votes.

NOTICE

***Incomplete record of House proceedings.
Today's House proceedings will be continued in the next issue of the Record.***